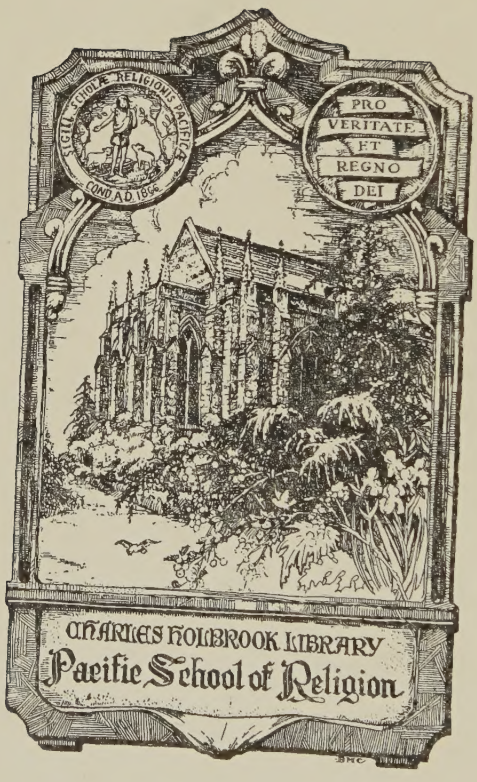
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THE PRESBYTERIAN DIGEST OF 1898.

A COMPEND OF THE ACTS, DECISIONS, AND DELIVERANCES

OF THE

GENERAL PRESBYTERY, GENERAL SYNOD

AND

GENERAL ASSEMBLY

OF THE

PRESBYTERIAN CHURCH

IN THE UNITED STATES OF AMERICA

1706—1897.

COMPILED

By Authority, and with the Co-operation of a Committee, of the General Assembly.

BY THE

REV. WILLIAM E. MOORE, D.D., LL.D.

PHILADELPHIA:

PRESBYTERIAN BOARD OF PUBLICATION AND SABBATH-SCHOOL WORK.

1898.

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INTRODUCTION.

The first step towards a Digest of the Acts and Deliverances of the General Assembly was taken by the Assembly of 1809, in its order [*Minutes*, p. 424], charging the Stated Clerk "with the business of preparing a book, and having entered therein such decisions of the Assembly as relate to the general government and discipline of the Church, and the duties of judicatures, that such decisions may hereafter be selected and printed for the general use of the churches, if a future Assembly shall so order."

In 1818 the General Assembly appointed Drs. Janeway, Neill (Stated Clerk) and Ely, "a Committee to extract from the records of the General Assembly, and of the late Synods of New York and Philadelphia, all such matters as may appear to be of permanent authority and interest (including a short account of the manner in which missions have been conducted, and their success), that the same may be published for the information of ministers and their people in our churches." This Committee reported to the next Assembly (1819), were empowered to complete the work on the plan reported, and to publish it at the expense of the Trustees of the General Assembly. The Digest thus authorized was published in 1820.

In 1836, the Assembly appointed Dr. John McDowell, Mr. Winchester and Mr. Duffield to prepare a new Digest. Nothing, however, was done, the division of the Church being near at hand. Further action looking to the preparation of a Digest was taken by the respective Assemblies: N. S., 1838 and 1849; O. S., 1841 and 1848. In 1850 the Presbyterian Board of Publication, O. S., issued a Digest prepared by the Rev. Richard Webster, D.D. In 1856 the Board issued a Digest prepared by the Rev. Samuel J. Baird, D.D. The Assembly voted thanks to Mr. Baird for his labors, and earnestly commended the work "to the attention and patronage of all in our connection." A new and revised edition was issued by the Board of Publication in 1859. It is still published by it, and is of great value from a historical point of view.

In 1854, the Assembly, N. S., appointed a Committee consisting of Drs. George Duffield, Jr., Henry Darling, and W. E. Moore, with the Stated Clerk, Edwin F. Hatfield, D.D., to prepare and publish a new

Digest. This Digest was prepared by the Rev. W. E. Moore, and published by the Presbyterian Publication Committee, N. S., in 1861. It was accepted with commendation by the General Assembly.—*Minutes*, 1861, p. 463, N. S.

The Digest of 1873.

On the Reunion of 1870, the Board of Publication took action for the preparation of a more complete work, which should combine the precedents of the Church in all its branches, and bring them down to the latest date.

The plan suggested was approved by the Assembly of 1871 (*Minutes*, p. 529), as follows :

"That this Digest contain under each chapter and section of the Form of Government, Book of Discipline and Directory, every decision which defines or explains it.

"Also, a complete Digest of all the rules of the several Boards of the Church as at present existing.

"That it omit whatever has become obsolete in the usage of the Church —*e. g.*, in its benevolent operations—and all that pertains simply to matters of history.

"That it be requested that a Special Committee be appointed by the General Assembly to examine and approve the book before it be issued, and it was recommended that the Rev. William E. Moore be requested to undertake the preparation of such a Digest."

The Committee to examine and approve the book—Edwin F. Hatfield, D.D., Alexander T. McGill, D.D., LL.D., Robert M. Patterson, D.D., Ruling Elders Hon. George Sharswood, LL.D., and Hon. William Strong, LL.D.—reported the completion of the work with its approval in 1873, and it was issued in the same year.

The Edition of 1886.

Within about ten years after the issue of the Digest of 1873, the need for a new edition was widely felt, and at last took shape in 1885. The Assembly of that year took action as follows:

"*Resolved*, That this General Assembly, having heard of the intention of the Board of Publication to publish a new edition of Moore's Digest of the acts and deliverances of the General Assembly, do approve of such publication and hereby recommend the same to the Church.

"*Resolved*, That this General Assembly hereby records its sense of obligation to the Rev. William E. Moore, D.D., for his faithful, diligent and skillful services in the preparation of the present Digest."

In connection with the new edition the following report was made to

the Board of Publication by the Committee requested to examine the manuscript:

PHILADELPHIA, PA., Jan. 14, 1886.

To the Presbyterian Board of Publication:

The undersigned, appointed by the Board of Publication as a Committee to Revise the Manuscript of the Presbyterian Digest of 1886, after a minute and careful examination, do hereby signify our approval of the same.

Respectfully,

E. R. CRAVEN,
WM. H. ROBERTS.

In the Introduction to the Digest of 1886 the editor said that "the adoption of the Revised Book of Discipline in 1884, with its amendments in 1885, and the lapse of twelve years since the publication of the Digest," had made necessary a new edition. He also made the following statement:

"The Book of Discipline has been wholly recast under the sections of the Revised Book. The compiler has been obliged to use his own judgment, not only as to the location of the acts and deliverances of the Assembly under the several sections, but also as to the retaining or rejecting of matter found in former Digests and in the annual *Minutes* of the Assembly. He gratefully acknowledges his obligations in both respects to Rev. E. R. Craven, D.D., and Rev. William H. Roberts, D.D., the Committee appointed by the Board of Publication to revise his work. The criticism will doubtless be made that many cases quoted are not in accordance with the Revised Book. This is acknowledged in the Digest itself; but good reasons seem to be found for inserting them unless they contradict the Revised Book."

THE DIGEST OF 1898.

At its sessions in 1894 the General Assembly ordered a new edition of the Digest to be prepared by the Board of Publication and Sabbath-school Work, under the supervision of the Stated Clerk and the Secretary of the Board of Publication, with the Rev. Dr. William E. Moore as editor—1894, p. 89.

The Committee on the New Digest reported its proposed plan for the work to the Assembly of 1895 (*Minutes*, p. 129), and the report was approved, as follows:

"The Committee on the new edition of the Digest (*Minutes*, 1894, p. 89), to be prepared by the Board of Publication, under the supervision of the Stated Clerk and the Secretary of the Board of Publication,

with Rev. William E. Moore as editor, propose the following plan of the Digest and ask the approval of the Assembly, viz.:

"1. To print as the first part of the book the Confession of Faith, giving under the appropriate chapters and sections the doctrinal deliverances and decisions of the Assembly.

"2. To print the Form of Government, Book of Discipline and Directory for Worship in the same form as in the present Digest, marking the acts and deliverances of the two Assemblies during the period of the separation, which do not come under the terms of the concurrent Resolution No. 4, Digest ('86), p. 92, as reëstablished in the united body, with the letters O. S. and N. S.

"3. That the Assembly grant to your Committee full discretion to omit such acts and deliverances as in their judgment are trivial, purely personal, obsolete or contradictory, or that have been superseded by amendments of the Form of Government, Book of Discipline and Directory for Worship.

Respectfully submitted,

WM. HENRY ROBERTS,
E. R. CRAVEN,
WILLIAM E. MOORE."

In addition to the

PLAN OF THIS DIGEST

as set forth above, it is to be noted that for convenience of reference it has seemed best to put the Historical Documents by themselves at the beginning of the book, and to place under Section v of Chap. xii of the Form of Government, the Charters, Plans, etc., of the several Boards, Permanent Committees, and Theological Seminaries. The several Digests referred to in the work are: (1), "The Assembly Digest," 1820; (2), "Assembly's Digest, Baird's Collection," Ed. 1858; (3), "The New Digest," Moore, 1861, N. S.; (4), "The Presbyterian Digest," Moore, 1873, and (5), "The Presbyterian Digest," Revised Edition, 1886.

The references of the dates of the Acts, etc., are: From 1706 to 1788, inclusive, to the volume of Records of the Presbyterian Church; from 1789–1837, inclusive, to the Reprints of the "*Minutes* of the General Assembly of the Presbyterian Church, U. S. A.;" from 1838–1869 inclusive, to the annual *Minutes* of the Assemblies of the two branches of the Church, designated respectively as "Old School" and "New School," and since 1870 to the annual *Minutes* of the reunited General Assembly.

The annual *Minutes* from 1836–1869, inclusive, have been reprinted. The *Minutes* for 1836 and 1837 are bound with the volume covering

1821–1835. The *Minutes*, 1838–1869, O. S., are bound in four volumes, and 1838–1869, N. S., in two volumes. All of these reprints are issued by the Board of Publication and Sabbath-school Work.

In closing his work, the editor wishes to record his grateful thanks to the Committee of Supervision for their valuable counsel and cordial coöperation, always cheerfully given. Especially would he acknowledge the important aid rendered by the chairman of the Committee, the Rev. William Henry Roberts, D.D., LL.D., whose familiar and thorough knowledge of the Acts and Deliverances of the Assembly in all its history, made his suggestions and his personal aid so freely extended, invaluable to me, and peculiarly grateful from the spirit in which they were given.

WILLIAM E. MOORE.

COLUMBUS, O., January 31, 1898.

APPROVAL OF THE ASSEMBLY'S COMMITTEE.

The General Assembly of 1894, passed the following resolution:

"*Resolved*, That the Assembly order a new edition of the Digest, to be prepared by the Board of Publication, under the supervision of the Stated Clerk and the Secretary of the Board of Publication, with Dr. William E. Moore, as editor. Adopted."

The undersigned, being the Committee above named, after a minute and careful examination of the Digest, frequent consultations with the editor, and close attention to the proofs, do hereby unite with Dr. Moore in approval of the work.

WM. HENRY ROBERTS,
E. R. CRAVEN.

SYLLABUS.

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DIGEST

OF THE

ACTS AND DELIVERANCES

OF THE GENERAL ASSEMBLY OF THE PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA.

PART I.

HISTORICAL DOCUMENTS.

I. THE ORGANIZATION OF THE CHURCH.

1. The General Presbytery.

[NOTE.—We have no history of the organization of the First Presbytery in what is now "THE UNITED STATES OF AMERICA." No record is to be found prior to December 27, 1706, when we find the Presbytery in session engaged in the work of examining Mr. John Boyd as a candidate for ordination, in the manner and form familiar to us at this day.—*Records of the Presbyterian Church*, 1706, p. 9.

It seems to have had no other designation than "The Presbytery," and was, until 1717, the supreme judicatory of our Church.]

2. The General Synod.

In 1716 the Presbytery adopted the following:

It having pleased divine Providence so to increase our number, as that, after much deliberation, we judge it may be more serviceable to the interest of religion, to divide ourselves into subordinate meetings or Presbyteries, constituting one annually as a Synod, to meet at Philadelphia or elsewhere, to consist of all the members of each subordinate Presbytery or meeting for this year at least: Therefore it is agreed by the Presbytery, after serious deliberation, that the first subordinate meeting or Presbytery, to meet at Philadelphia or elsewhere, as they shall see fit, do consist of these following members, viz.: Masters Andrews, Jones, Powell, Orr, Bradner and Morgan. And the second to meet at New Castle or elsewhere, as they shall see fit, to consist of these, viz.: Masters Anderson, McGill, Gillespie, Wotherspoon, Evans, and Conn. The third to meet at Snow Hill or elsewhere, to consist of these, viz.: Masters Davis, Hampton and Henry. And in consideration that only

our brethren Mr. McNish and Mr. Pumry are of our number upon Long Island at present, we earnestly recommend it to them to use their best endeavors with the neighboring brethren that are settled there, which as yet join not with us, to join with them in erecting a fourth Presbytery. And as to the time of the meeting of the respective Presbyteries, it is ordered that that be left to their own discretion.—1716, p. 45.

Our next meeting being appointed as a Synod, it was ordered that the present Moderator (Rev. George McNish) open the same by preaching. . . . . Appointed that the first meeting of our said Synod be at Philadelphia, on the third Tuesday of September in the year 1717.—1716, p. 46.

3. The General Assembly.

a. *Preparatory act.*

The Synod, considering the number and extent of the churches under their care, and the inconvenience of the present mode of government by one Synod,

Resolved, That this Synod will establish out of its own body three or more subordinate Synods, out of which shall be composed a General Assembly, Synod or Council, agreeably to a system hereafter to be adopted.—1786, p. 517.

b. *The Synod divided and the General Assembly constituted.*

Resolved unanimously, That this Synod be divided, and it is hereby divided, into four Synods, agreeably to an act made and provided for that purpose in the sessions of Synod in the year one thousand seven hundred and eighty-six; and that this division shall commence on the dissolution of the present Synod.

Resolved, That the first meeting of the General Assembly, to be constituted out of the above said four Synods, be held, and it is hereby appointed to be held, on the third Thursday of May, one thousand seven hundred and eighty-nine, in the Second Presbyterian Church in the city of Philadelphia, at eleven o'clock A.M.; and that Dr. Witherspoon, or, in his absence, Dr. Rogers, open the General Assembly with a sermon, and preside till a Moderator be chosen.—1788, pp. 547, 548.

II. ADOPTION, ETC., OF THE STANDARDS.

I. THE ADOPTING ACTS OF 1729 AND EXPLANATORY ACTS.

1. The Overture laid over for a year.

There being an overture presented to the Synod in writing, having reference to the subscribing to the Confession of Faith, etc., the Synod, judging this to be a very important affair, unanimously concluded to defer the consideration of it till the next Synod, withal recommending it to the members of each Presbytery present to give timeous notice thereof to the absent members.—1728, p. 91.

2. The Confession of Faith, Larger and Shorter Catechisms of the Westminster Assembly adopted.

a. *Act relating to Subscription.*

The committee brought in an overture upon the affair of the Confession, which was agreed upon *in hæc verba:*

Although the Synod do not claim or pretend to any authority of imposing our faith upon other men's consciences, but do profess our just dissatisfaction with and abhorrence of such impositions, and do utterly disclaim all legislative power and authority in the Church, being willing to receive one another as Christ has received us to the glory of God, and admit to fellowship in sacred ordinances all such as we have grounds to believe Christ will at last admit to the kingdom of heaven, yet we are undoubtedly obliged to take care that the faith once delivered to the saints be kept pure and uncorrupt among us, and so handed down to our posterity. And do therefore agree that all the ministers of this Synod, or that shall hereafter be admitted into this Synod, shall declare their agreement in and approbation of the Confession of Faith, with the Larger and Shorter Catechisms of the Assembly of Divines at Westminster, as being, in all the essential and necessary articles, good forms of sound words and systems of Christian doctrine, and do also adopt the said Confession and Catechisms as the confession of our faith. And we do also agree, that all the Presbyteries within our bounds shall always take care not to admit any candidate for the ministry into the exercise of the sacred function, but what declares his agreement in opinion with all the essential and necessary articles of said Confession, either by subscribing the said Confession of Faith and Catechisms, or by a verbal declaration of their assent thereto, as such minister or candidate shall think best. And in case any minister of this Synod, or any candidate for the ministry, shall have any scruple with respect to any article or articles of said Confession or Catechisms, he shall at the time of his making said declaration declare his sentiments to the Presbytery or Synod, who shall, notwithstanding, admit him to the exercise of the ministry within our bounds, and to ministerial communion, if the Synod or Presbytery shall judge his scruple or mistake to be only about articles not essential and necessary in doctrine, worship or government. But if the Synod or Presbytery shall judge such ministers or candidates erroneous in essential and necessary articles of faith, the Synod or Presbytery shall declare them uncapable of communion with them. And the Synod do solemnly agree that none of us will traduce or use any opprobrious term of those that differ from us in these extra-essential and not necessary points of doctrine, but treat them with the same friendship, kindness and brotherly love, as if they had not differed from us in such sentiments.—1729, p 94.

b. *The Adopting Act proper.*†

On the afternoon of the same day,

All the ministers of this Synod now present, except one * that declared himself not prepared, viz.: Masters Jedidiah Andrews, Thomas Craighead, John Thomson, James Anderson, John Pierson, Samuel Gelston, Joseph Houston, Gilbert Tennent, Adam Boyd, Jonathan Dickinson, John Bradner, Alexander Hutchinson, Thomas Evans, Hugh Stevenson,

* Daniel Elmer, who subscribed the next year.—1730, p. 97. † See p. 5.

William Tennent, Hugh Conn, George Gillespie and John Wilson, after proposing all the scruples that any of them had to make against any articles and expressions in the Confession of Faith and Larger and Shorter Catechisms of the Assembly of Divines at Westminster, have unanimously agreed in the solution of those scruples, and in declaring the said Confession and Catechisms to be the confession of their faith, excepting only some clauses in the twentieth and twenty-third chapters, concerning which clauses the Synod do unanimously declare that they do not receive those articles in any such sense as to suppose the civil magistrate hath a controlling power over Synods with respect to the exercise of their ministerial authority, or power to persecute any for their religion, or in any sense contrary to the Protestant succession to the throne of Great Britain.

The Synod, observing that unanimity, peace and unity which appeared in all their consultations and determinations relating to the affair of the Confession, did unanimously agree in giving thanks to God in solemn prayer and praises.—1729, p. 95.

3. The "Directory" recommended.

The Synod do unanimously acknowledge and declare, that they judge the Directory for Worship, discipline and government of the Church, commonly annexed to the Westminster Confession, to be agreeable in substance to the word of God, and founded thereupon, and therefore do earnestly recommend the same to all their members, to be by them served as near as circumstances will allow and Christian prudence direct.—1729, p. 95.

4. Intrants and candidates to adopt the Confession in the same manner and as fully as those then present.

a. Whereas some persons have been dissatisfied at the manner of wording our last year's agreement about the Confession, etc.; supposing some expressions not sufficiently obligatory upon intrants; *Overtured*, That the Synod do now declare that they understand these clauses that respect the admission of intrants or candidates in such a sense as to oblige them to receive and adopt the Confession and Catechisms at their admission in the same manner and as fully as the members of the Synod did that were then present. Which overture was unanimously agreed to by the Synod.—1730, p. 98.

b. *Ordered*, That the Synod make a particular inquiry during the time of their meeting every year, whether such ministers as have been received as members since the foregoing meeting of the Synod have adopted, or have been required by the Synod, or by the respective Presbyteries, to adopt the Westminster Confession and Catechisms with the Directory, according to the acts of the Synod made some years since for that purpose, and that also the report made to the Synod in answer to said inquiry be recorded in our minutes.—1734, p. 109.

5. To be inscribed in the book of each Presbytery.

Ordered, That each Presbytery have the whole Adopting Act inserted in their Presbytery book.—1735, p. 115.

6. An act explaining the Adopting Act.

An overture of the committee upon the supplication of the people of Paxton and Derry was brought in and is as followeth: That the Synod do declare, that inasmuch as we understand that many persons of our persuasion, both more lately and formerly, have been offended with some expressions or distinctions in the first or preliminary act of our Synod contained in the printed paper, relating to our receiving or adopting the Westminster Confession and Catechisms, etc.: That in order to remove said offense, and all jealousies that have arisen or may arise in any of our people's minds on occasion of said distinctions and expressions, the Synod doth declare that the Synod have adopted and still do adhere to the Westminster Confession, Catechisms and Directory, without the least variation or alteration, and without any regard to said distinctions. And we do further declare that this was our meaning and true intent in our first adopting of said Confession, as may particularly appear by our Adopting Act which is as followeth: "All the ministers of the Synod now present (which were eighteen in number, except one that declared himself not prepared), after proposing all the scruples any of them had to make against any articles and expressions in the Confession of Faith and Larger and Shorter Catechisms of the Assembly of Divines at Westminster, have unanimously agreed in the solution of these scruples, and in declaring the said Confession and Catechisms to be the confession of their faith, except only some clauses in the twentieth and twenty-third chapters, concerning which clauses the Synod do unanimously declare, that they do not receive these articles in any such sense as to suppose the civil magistrate hath a controlling power over Synods with respect to the exercise of their ministerial authority, or power to persecute any for their religion, or in any sense contrary to the Protestant succession to the throne of Great Britain."

And we hope and desire that this our Synodical declaration and explication may satisfy all our people, as to our firm attachment to our good old received doctrines contained in said confession, without the least variation or alteration, and that they will lay aside their jealousies that have been entertained through occasion of the above hinted expressions and declarations as groundless. This overture approved *nemine contradicente.*—1736, p. 126.

7. Mode of adopting the Confession.

The Synod of New York and Philadelphia adopt, according to the known and established meaning of the terms, the Westminster Confession of Faith as the confession of their faith, save that every candidate for the gospel ministry is permitted to except against so much of the twenty-third chapter as gives authority to the civil magistrates in matters of religion. The Presbyterian Church in America considers the Church of Christ as a spiritual society, entirely distinct from the civil government, having a right to regulate their own ecclesiastical policy, independently of the interposition of the magistrate.—1786, p. 519.

8. The Directory for Worship and Form of Government.

The Synod also receives the Directory for public worship and the Form of church government recommended by the Westminster Assembly as in substance agreeable to the institutions of the New Testament. This mode of adoption we use, because we believe the general platform of our

government to be agreeable to the sacred Scriptures; but we do not believe that God has been pleased so to reveal and enjoin every minute circumstance of ecclesiastic government and discipline as not to leave room for orthodox churches of Christ, in these minutiæ, to differ with charity from one another.—1786, p. 519.

9. Authority of Pardovan's Collections.

The rules of our discipline and the form of process in our Church judicatures are contained in Pardovan's (*alias* Stewart's) Collections, in conjunction with the acts of our own Synod, the power of which, in matters purely ecclesiastical, we consider as equal to the power of any Synod or General Assembly in the world. Our Church judicatures, like those in the Church of Scotland, from which we derive our origin, are Church Sessions, Presbyteries and Synods, to which it is now in contemplation to add a National and General Assembly.—1786, p. 519.

It was moved and carried, That the Form of Process in Stewart of Pardovan's Collections, be read and considered as a basis of deliberation along with the draught.—1787, p. 535.

II. THE CONSTITUTION OF 1788.

1. The Constitution revised and amended.

[NOTE.—In 1786 the "Book of Discipline and Government" was referred to a committee "to digest such a system as they shall think to be accommodated to the state of the Presbyterian Church in America." The committee consisted of Drs. Witherspoon, McWhorter, Rodgers, Sproat, Duffield, Alison and Ewing, Mr. Matthew Wilson and Dr. Smith, with Isaac Snowden, Esq., Mr. Robert Taggart and John Pinkerton, Elders.—1786, p. 525.

In 1787, the Synod, preparatory to forming the General Assembly, ordered a thorough revision of the standards, altering the articles excepted to in the Adopting Act of 1729, and making such amendments as were found to be necessary.—1787, p. 539.]

2. Form of Government, Discipline, and Confession of Faith, ratified and adopted.

The Synod having fully considered the draught of the Form of Government and Discipline, did, on a review of the whole, and hereby do ratify and adopt the same, as now altered and amended, as the Constitution of the Presbyterian Church in America, and order the same to be considered and strictly observed as the rule of their proceedings, by all the inferior judicatories belonging to the body. And they order that a correct copy be printed, and that the Westminster Confession of Faith, as now altered, be printed in full along with it, as making a part of the Constitution.

Resolved, That the true intent and meaning of the above ratification by the Synod is, that the Form of Government and Discipline and the Confession of Faith, as now ratified, is to continue to be our Constitution and the confession of our faith and practice unalterable, unless two-thirds of the Presbyteries under the care of the General Assembly shall propose alterations or amendments, and such alterations or amendments shall be agreed to and enacted by the General Assembly.—1788, p. 546.

3. Directory for Worship and Catechisms, Larger and Shorter.

The Synod having now revised and corrected the draught of a Directory for Worship, did approve and ratify the same, and do hereby appoint th

said Directory, as now amended, to be the Directory for the worship of God in the Presbyterian Church in the United States of America. They also took into consideration the Westminster Larger and Shorter Catechisms, and having made a small amendment of the Larger, did approve, and do hereby approve and ratify the said Catechisms, as now agreed on, as the Catechisms of the Presbyterian Church in the said United States. And the Synod order that the said Directory and Catechisms be printed and bound up in the same volume with the Confession of Faith and the Form of Government and Discipline, and that the whole be considered as the standard of our doctrine, government, discipline and worship, agreeably to the resolutions of the Synod at their present sessions.—1788, p. 547.

4. Assembly enacts part of the Directory.

Dr. Witherspoon, Dr. Smith, and the Moderator, were appointed a committee to revise the chapter of the draught of the directory, respecting the mode of inflicting church censures, and to lay it, as by them revised, before the General Assembly at their first meeting, to be by them considered and finally enacted.—1788, p. 547.

The committee appointed by the late Synod of New York and Philadelphia, to revise the chapter of the Directory entitled, "Of the mode of inflicting church censures," laid before the Assembly the chapter, as by them revised; which, being considered and amended, was finally enacted, and ordered to be printed and published with the Constitution. —1789, p. 9.

III. THE OBLIGATION, ETC., OF THE STANDARDS.

1. The Adopting Acts and their force.

[NOTE.—For the text of the adopting acts and the acts explanatory of them, see pp. 2 and 5.]

2. Use and obligation of the Standards.

1. That, in the opinion of this Assembly, Confessions of Faith, containing formulas of doctrine, and rules for conducting the discipline and worship proper to be maintained in the house of God, are not only recognized as necessary and expedient, but as the character of human nature is continually aiming at innovation, absolutely requisite to the settled peace of the Church, and to the happy and orderly existence of Christian communion. Within the limits of Christendom, few are to be found in the attitude of avowed hostility to Christianity. The name of Christian is claimed by all, and all are ready to profess their belief in the Holy Scriptures, too many reserving to themselves the right of putting upon them what construction they please. In such a state of things, without the aid of Confessions, Christian fellowship can exist only in a very limited degree, and the disorder of the Corinthian Church, condemned by the apostle, would be realized: "*I am of Paul and I of Apollos.*"

2. That, though the Confession of Faith and Standards of our Church are of no original authority, independent of the Scriptures, yet we regard them as a summary of those divine truths which are diffused throughout the sacred volume.

They, as a system of doctrines, therefore, cannot be abandoned, in

our opinion, without an abandonment of the word of God. They form a bond of fellowship in the faith of the Gospel, and the General Assembly cannot but believe the precious immortals under their care to be more safe in receiving the truth of God's holy word, as exhibited in the standards of our Church, than in being subject to the guidance of any instructor, whoever he may be, who may have confidence enough to set up his own opinions in opposition to the system of doctrines which men of sound learning, full of the Holy Ghost, and mighty in the Scriptures, have devised from the oracles of the living God. It should never be forgotten, that the Church is solemnly cautioned against the danger of being carried about by every wind of doctrine.

3. This Confession of Faith, adopted by our Church, contains a system of doctrines professedly believed by the people and the pastors under the care of the General Assembly, nor can it be traduced by any in the communion of our Church, without subjecting the erring parties to that salutary discipline which hath for its object the maintenance of the peace and purity of the Church, under the government of her great Master.—1824, p. 114.

3. Adoption of the Standards in every case required.

The committee appointed on an overture respecting the consistency of admitting into this Church ministers who manifest a decided hostility to ecclesiastical creeds, confessions, and formularies, make the following report, which was adopted, viz.:

1. That the Constitution, as is well known, expressly requires of all candidates for admission, a solemn declaration that they sincerely receive and adopt the Confession of Faith of this Church, as containing the system of doctrine taught in the Holy Scriptures.

2 That the last Assembly, in a report of their committee, to be seen on the minutes, have so explicitly and fully declared the sentiments of this Church in regard to her ecclesiastical standards, and all within her communion who may traduce them, that no further expression of our views on this subject is deemed necessary.—1825, p. 155.

4. The Catechisms an integral part of the Standards of the Church.

a. The committee to whom was referred Overture No. 5, viz.: "On subscribing the Confession of Faith," made the following report, which was unanimously adopted, viz.:

That, in their judgment, any further legislation on the subject by the Assembly would be unnecessary and inexpedient. They consider the formula contained in our book, and the rule adopted by the Assembly in 1830—viz.: "That, in their judgment, every licentiate coming by certificate to any Presbytery, in connection with the General Assembly, from any portion of a corresponding ecclesiastical body, should be required to answer in the affirmative, the constitutional questions directed by chapter fourteenth of our Form of Government, to be put to our candidates before they are licensed; and that in like manner every ordained minister of the Gospel, coming from any church in correspondence with the General Assembly by certificate of dismission and recommendation, should be required to answer affirmatively the first seven questions directed by chapter fifteenth of our Form of Government, to be put to one of our own licentiates when about to be ordained to the sacred office" (p. 287, 1830) - sufficiently explicit; and would earnestly

recommend these to the attention of the Presbyteries under the care of the Assembly.

b. As to the question submitted to them, "Whether the Catechisms, Larger and Shorter, are to be considered as a part of the *Standards* of our Church, and are comprehended in the words, Confession of Faith of this Church?" the committee feel no hesitation in answering that question in the affirmative. It does not appear that any doubts on that subject have ever been entertained until very recently. The committee find in the minutes of the old Synod, at the union of the Synod of Philadelphia with the Synod of New York, in 1758, that the first article of the Plan of Union contains the following words (Digest 1820, p. 118), viz.: "Both Synods, having always approved and received the Westminster Confession of Faith and Larger and Shorter Catechisms as an orthodox and excellent system of Christian doctrine founded on the word of God, we do still receive the same as the Confession of our Faith; and also the plan of worship, government and discipline, contained in the Westminster Directory, strictly enjoining it on all our members and probationers for the ministry that they preach and teach according to the form of sound words in said Confession and Catechisms, and avoid and oppose all error contrary thereto." In the recital of the manner in which a Presbytery was received by the Synod of New York, 1763, we have the following record, which is contained in the Assembly's Digest, p. 50: "It was agreed to grant their request, provided that they agree to adopt our Westminster Confession of Faith and Catechisms, and engage to observe the Directory as a plan of worship, discipline and government, according to the agreement of this Synod."

In 1788, in the Adopting Act of the Confession, as entered in the Digest, p. 124, the Catechisms are distinctly mentioned as a part of our standards. "They also took into consideration the Westminster Larger and Shorter Catechisms, and having made a small amendment of the Larger, did approve, and do hereby approve and ratify the said Catechisms as now agreed on, as the Catechisms of the Presbyterian Church in the said United States. And the Synod order that the said Directory and Catechisms be printed and bound up in the same volume with the Confession of Faith and the Form of Government and Discipline; and that the whole be considered as the standard of our doctrine, government, discipline and worship, agreeably to the resolutions of the Synod at their present sessions"—one of which resolutions was (p. 123), "that the Form of Government and Discipline, and the Confession of Faith, as now ratified, is to continue to be our constitution and the confession of our faith and practice unalterably, unless two-thirds of the Presbyteries under the care of the General Assembly shall propose alterations or amendments, and such alterations or amendments shall be agreed to and enacted by the General Assembly." Accordingly, in the Directory for the administration of baptism, the Larger and Shorter Catechisms of the Westminster Assembly are mentioned in connection with the Confession of Faith, as adopted by this Church, and are to be recommended as containing a summary of the principles of our holy religion, taught in the Scriptures of the Old and New Testaments.

The committee therefore recommend to the Assembly the adoption of the following resolution, viz.:

Resolved, by the Assembly, that in receiving and adopting the Confession of Faith, as containing the system of doctrine taught in the

Holy Scriptures, the Larger and Shorter Catechisms of the Westminster Assembly of Divines are included, and do constitute an integral part of the standards of this Church.—1832, p. 372.

5. Adoption of the Confession includes the Catechisms.

When ministers and other officers are ordained in the Presbyterian Church, and give an affirmative answer to the question: Do you sincerely receive and adopt the Confession of this Church as containing the system of doctrines taught in the Holy Scriptures? are such ministers and officers to be understood as embracing and assenting to the doctrines, principles, precepts and statements contained in the Larger and Shorter Catechisms, in the same unqualified sense in which they are understood to embrace and assent to the doctrines, principles, precepts and statements contained in other parts of the Confession of Faith?

The committee recommend that the question be answered in the affirmative, and the recommendation was adopted.—1848, p. 18, O. S.

6. Ministers who cannot adopt the Standards, not to be received.

On an overture from the Presbytery of Bethel relative to a Union with the Independent Presbyterian Church, the Assembly answers, "The privilege claimed by the Independent ministers, of holding and teaching doctrines not in harmony with the Confession of Faith, is a privilege, which, even if harmless in this particular case, might be abused as a precedent, and lead in other quarters and in other relations to serious mischief. The Assembly expresses the desire that these ministers may soon be able to embrace our standards, without reservation, and in that case the Presbytery of Bethel is hereby authorized to ratify the Union, without further application to this body; but in the event that the Independent ministers and churches cannot relinquish their peculiarities, with a good conscience, this Assembly will cherish them in the bonds of a Christian love, but it cannot see its way clear to embrace them in the same Denomination."—1857, p. 42, O. S.

7. The "Heidelberg Catechism" approved.

The resolutions reported by the Committee on the Heidelberg Catechism were adopted, as follows, viz.:

1. *Resolved*, That this General Assembly recognizes, in the Heidelberg Catechism, a valuable Scriptural compendium of Christian doctrine and duty.

2. *Resolved*, That if any churches desire to employ the Heidelberg Catechism in the instruction of their children, they may do so with the approbation of this Assembly.

3. *Resolved*, That this Assembly cordially rejoices at the continued and increasing evidences of agreement and union, among those whose symbols maintain in common the faith once delivered to the saints.—1870, p. 120.

8. The Standards subordinate to and in harmony with the Word of God.

The grounds for the insertion in this title [Constitution] of the words "Standards subordinate to the Word of God," are as follows:

The Presbyterian Church acknowledges and maintains:

1. That "all the books of the Old and New Testaments are given by inspiration of God to be the rule of faith and life" (Confession of

Faith, Chap. i, Sec. 2); and "that the Holy Scriptures are the only rule of faith and manners" (Form of Government, Chap. i, Sec. 7).

2. That all Church power, whether exercised by the body in general, or in the way of representation by delegated authority, is only ministerial and declarative; *that is to say*, that no Church judicatory ought to pretend to make laws to bind the conscience in virtue of their own authority, and that all their decisions should be founded upon the revealed will of God (Form of Government, Chap. i, Sec. 7).

3. That "all Synods or Councils since the apostles' times, whether general or particular, may err and many have erred; therefore they are not to be made the rule of faith and practice, but to be used as a help in both" (Confession of Faith, Chap. xxxi, Sec. 13).

4. That "the supreme judge by which all controversies of religion are to be determined, and all decrees of councils, opinions of ancient writers, doctrines of men, and private spirits are to be examined, and in whose sentence we are to rest, can be no other but the Holy Spirit, speaking in the Scripture."

These principles set forth clearly the fact that the Holy Scriptures in their entirety have been and are held by this Church to be the only and infallible rule of religious faith and practice. This Christian Church requires its standards of doctrine and government to contain as essential and necessary articles only those things which are "either expressly set down in Scripture, or by good and necessary consequences may be deduced from Scripture" (Confession of Faith, Chap. i, Sec. 6). In matters which are non-essential, and which may be "ordered by the light of nature and Christian prudence," it is the law of the Church, that in their ordering the "general rules of the Word are always to be observed" (Confession of Faith, Chap. i, Sec. 6).

Along with this insistence upon the unique supremacy of the Holy Scriptures there is in the Standards the acknowledgment of human fallibility. Christian Churches and their judicatories, being composed of fallible men, may err. This admission of liability to error, however, is not to be used as if it lessened the authority of the doctrinal and governmental Standards of the Church over those who have voluntarily accepted them. Far otherwise! It is simply the declaration by the Church of its dependence upon the Divine Author of the Scriptures, for the guidance of His Spirit in the interpretation of His Word and in the formulation and application of its Standards. This Church holds not only to the Word of God as the supreme and infallible rule of faith and practice, but further, that its Confession of Faith contains the system of doctrine taught in the Holy Scriptures (Form of Government, Chap. xiv, Sec. 1), and that its government, discipline and worship are agreeable to and founded upon the Scriptures (Form of Government, Chap. viii, Sec. 1; Book of Discipline, Secs. 3 and 4; Confession of Faith, Chap. xxi, Sec. 1). The Holy Scriptures are acknowledged as alike the source and sanction in all matters of faith and practice.

In view of these statements the following resolutions are offered for adoption:

Resolved, 1. That this Assembly, in directing the insertion in the title to the Constitution of the words "Standards subordinate to the Word of God," is to be understood as setting forth the relation of the Confession of Faith and the other Standards of the Church to the Word of God as their sole source and sanction.

Resolved, 2. That this Assembly draws the attention of the judicatories and members of the Church to the declarations of the Standards above quoted, which set forth in explicit terms the belief of the Church, that all the Standards are founded upon and in accordance with the Holy Scriptures.—1896, pp. 168, 169.

IV. THE AMENDMENTS OF THE STANDARDS.

1. Method of amendments.

The General Assembly of 1887 appointed a Committee on "The mode of effecting changes in the Constitution of the Church," consisting of *Ministers*—William Henry Roberts, D.D., *Chairman*, James T. Leftwich, D.D.; and *Ruling Elders*—Hon. William Strong and Hon. Robert N. Willson. This Committee was increased in the General Assembly of 1890 by the addition of the following members: *Ministers*—Everard Kempshall, D.D., Henry J. Van Dyke, D.D., Francis L. Patton, D.D., Herrick Johnson, D.D., and Robert M. Patterson, D.D.; and *Ruling Elders*—George Junkin, Henry B. Sayler and Henry Day. This Committee reported to that Assembly [*Minutes*, pp. 62–64] an overture containing an amendment to the Form of Government, being Chapter xxiii. Of Amendments. This chapter was adopted by the Presbyteries, and formally declared by the Moderator of the Assembly of 1891, to be a part of the Constitution of the Church. See for the text of the chapter in the proper place in the Form of Government, and also in the same place the law enacted by the Assembly of 1891, with reference to the mode of action upon the returns of the Presbyteries to overtures from the Assembly. See also, Adopting Act of 1788, p. 6.

2. List of amendments.

The following list of amendments to the Standards of the Church is given here for information. The subject matter of each amendment will be found in other parts of this Digest under the proper head.

(*1*) *The Confession of Faith, adopted 1729, amended 1788 and 1887.*

1887, p. 98.—Chap. xxiv, Sec. iv, the last clause stricken out.

[NOTE.—The intent was declared to be "To remove any obstacle which may have existed to the marrying of a deceased wife's sister.]

(*2*) *The Form of Government, adopted 1788, amended 1805 and 1821.*

1803, p. 282.—The Rev. Drs. Blair, Tennent and Green, the Rev. Messrs. Irwin, Milledoler, Potts, Linn and Janeway, were appointed a Committee to report alterations in the Constitution.

1805, p. 333.—Chap. viii (now ix), Sec. i (now ii); Chap. x (now xi), Secs. i, ii; Chap. xi (now xii), Sec. vi; Chap. xii (now xiii), Sec. ii; Chap. xiv, Sec. i; Chap. xiv (now xv), Secs. i, ii, iii, iv, v; Chap. xv (now xvi).

1819, p. 700.—Chap. xi (now xii), Sec. ii—the ratio of representation was altered.

1820, p. 737.—A Committee appointed 1816, "To revise the Forms of Government and Process," made its final report, which was adopted by the Assembly, and sent to the Presbyteries as an overture (p. 739). The Committee consisted of John B. Romeyn, D.D., A. Alexander, D.D., S. Miller, D.D., and E. Nott, D.D.

1821, p. 9.—"The whole of the proposed amendments sent down by the last Assembly to the Presbyteries ratified and declared to be a part of the Constitution."

(3) *Amendments Form of Government since Reunion.*

1871, p. 593—Chap. x, Sec. ii; 1894, p. 176—Sec. viii.
1881, p. 523—Chap. xi, Sec. i; 1881, p. 523—Sec. iv; 1885, p. 637.
1826, p. 168—Chap. xii, Sec. ii; 1885, p. 630—Sec. ii; 1885, p. 637—Sec. iv.
1891, p. 142—Chap. xii, Sec. vi, stricken out.
1892, p. 172—Chap. xii, Sec. iv, new, adopted.
1875, p. 521—Chap. xiii, Sec. viii, added; 1886, p. 108—amended.
1891, p. 139—Chap. xxiii, "Of Amendments," added.

(4) *The Book of Discipline, adopted 1884, amended 1885 to 1894.*

In 1878, *Minutes*, p. 70, in answer to certain overtures, the Committee on the Polity of the Church recommended, that a Committee of six ministers and five elders be appointed to consider whether any changes, amendments or additions should be made in our present Form of Government and Book of Discipline, and if so, what; to report to the next Assembly. The recommendation was adopted, and the Committee appointed:

Ministers—Elijah R. Craven, D.D., Edwin F. Hatfield, D.D., Alexander T. McGill, D.D., LL.D., William E. Moore, D.D., Nathaniel West, D.D., Robert W. Patterson, D.D., Francis L. Patton, D.D., LL.D. *Elders*—Hon. William Strong, LL.D., Hon. Joseph Allison, LL.D., Hon. Samuel M. Breckenridge, LL.D., Hon. Samuel M. Moore, LL.D., Hon. John T. Nixon, LL.D.—p. 119.

The Committee made report in 1879 (*Minutes*, pp. 550, 551), and was continued. Also 1880, pp. 34, 35; 1881, pp. 527, 528. This report was recommitted with instructions (pp. 573, 574). The revision of the Form of Government was withdrawn from the Committee.

The following action was taken with reference to the final report of the Special Committee on the Revision of the Form of Government and Book of Discipline:

Resolved, That the consideration of the report of the Committee on the Revision of the Form of Government and Book of Discipline be postponed until the next Assembly, and that the printed report be sent down to the Presbyteries for their consideration and examination, and that the Stated Clerk be instructed to send a copy to every minister and church Session.—1882, p. 52.

In 1883 (*Minutes*, p. 685), it was

Resolved, That the proposed revision of the Book of Discipline, and of Chap. x of the Directory for Worship, be overtured to the Presbyteries for their adoption as a part of the Constitution of the Church, in place of the existing Book of Discipline and the existing Chap. x of the Directory for Worship.

1884 (*Minutes*, p. 27)—The Special Committee on the Answers of the Presbyteries to the Overtures on the Book of Discipline, reported their adoption by a vote of 131 affirmatives to 36 negatives.

The Moderator then made a formal declaration that the Revised Book

of Discipline with the revision of Chap. x of the Directory for Worship, have been adopted, and are now a part of the Constitution of the Church. —1884, p. 31.

For the Revised Book as adopted in 1884, *see Minutes*, pp. 658–673.

Effect of the adoption of the revised Discipline on cases pending.

The following paper was adopted with reference to the Revised Book of Discipline:

"The General Assembly does hereby declare that no process heretofore commenced should abate by reason of the adoption of the Revised Book of Discipline, and all judicatories before which such process is now pending are hereby advised to issue and determine such cases in accordance with the mode of procedure and under the provisions of the Revised Book of Discipline."—1884, p. 111.

1885.—Chap. i, Sec. v, was adopted, as found below.—p. 601.

Chap. iv, Sec. xviii, was amended, so as to read as below.—p. 601.

Chap. iv, Sec. xxvi, was substituted, so as to read as below.—p. 601.

Chap. vi, Sec. xlvi, was amended by striking out Acting Elder.—p. 601.

Chap. viii, Sec. lxv, was omitted, and numbers following changed.—p. 602.

Chap. ix, Sec. iii, sub-Sec. lxxxiii, was changed so as to read as Sec. lxxxiv below.—p. 602.

Chap. xii, Sec. cxii, was amended, so as to read as below.—p. 602.

Chap. xiii, Sec. cxviii, on Judicial Commissions, was added.—p. 638.

1894.—Chap. xiii, Sec. cxviii, was amended, and Secs. cxix and cxx were added.—p. 176.

1895.—Chap. xiv, on Differences between Judicatories, was added. —p. 108.

(5) *Directory for Worship, adopted 1788–89, amended 1884–1886.*

1884, p. 31.—Chap. x (now xi), revised and adopted.

1886, p. 107.—Chap. vi adopted, and the numbers of all succeeding sections made higher by one.

1886, p. 107.—Chap. vi (now vii), Sec. v, amended.

III. PUBLICATION OF THE CONSTITUTION.

1. Committee to supervise publication, 1788.

Ordered, That Dr. Duffield, Mr. Armstrong and Mr. Green, be a committee to superintend the printing and publishing the above said Confession of Faith and Catechisms, with the Form of Government and Discipline and the Directory for the Worship of God, as now adopted and ratified by the Synod, as the Constitution of the Presbyterian Church in the United States of America, and that they divide the several parts into chapters and sections properly numbered.—1788, p. 547.

2. Committee authorized to publish.

The committee appointed to superintend the printing and publishing of the Constitution, etc., was ordered to call on Mr. Bradford, the

printer, whom they employed to print said Constitution, and to inquire of him the reasons why the publication has been so long delayed.—1789, p. 6.

Resolved, That the Constitution be printed at the expense of the General Assembly; and that the committee, or a majority of them, enter into an agreement with Mr. Bradford; and that, on the best terms they can, they have a number of copies, not less than a thousand, nor greater than fifteen hundred, printed and bound in such a manner as may best promote the sale; and that the committee draw, for the price of printing and binding, on the Treasurer of the Assembly, who is hereby ordered to pay it out of the present moneys in the funds. And the Assembly earnestly recommend it to the different Presbyteries, to pay particular attention to have the fund reimbursed out of the sale of the book.—1789, p. 13.

3. Committee of 1792.

1. Edition with proof-texts added..

a. The committee appointed to consider the expediency of a new impression of the Confession of Faith, Form of Government and Discipline of this Church, reported . . . . that another impression appeared expedient, in which, if the Scripture proofs were inserted at length, it would become more acceptable, and might be of greater utility to the churches; and proposed that a committee be appointed properly to select and arrange the Scripture texts to be adduced in support of the articles in the Confession of Faith, Form of Government and Discipline, and prepare the same to be laid before the next General Assembly.

Resolved, That Dr. Robert Smith, and Messrs. Mitchell and Grier, be a committee to carry the above into execution.—1792, p. 58.

b. A letter was received and read from Mr. Mitchell, one of the members of a committee appointed by the Assembly of 1792, to revise and prepare for publication an edition of the Confession of Faith, Catechisms, and Form of Government and Discipline of this Church, informing this Assembly that considerable progress had been made in the business, but that it was still incomplete. Whereupon the business was recommitted, and the Moderator (the Rev. James Latta) added to the committee in the place of the Rev. Dr. Robert Smith, deceased, and they were directed to report to the Assembly in 1794.—1793, p. 66.

c. The committee appointed to prepare the Scripture proofs in support of the doctrines of the Confession of Faith, the Catechisms, etc., of the Presbyterian Church, submitted their report, which was read, examined, and approved as a specimen of the work. Whereupon Dr. Green, Messrs. John B. Smith, James Boyd, William M. Tennent, Nathaniel Irwin and Andrew Hunter, were appointed a committee to compare the proofs prepared by said committee, and now reported to the General Assembly, with the proofs annexed to the Westminster Confession of Faith, Catechisms and Directory; to revise the whole, prepare it for the press, to agree with the printer for its publication, and to superintend the printing and vending of the same.—1794, p. 88.

2. Authority of the notes.—The text alone contains the Constitution.

[NOTE.—The "Notes" referred to are not found in the constitution as revised in 1820. For the history concerning them see Digest, 1886, pp. 52-54.]

4. Unauthorized editions discountenanced.

Resolved, That the Rev. Drs. Blair, Tennent, and Green, the Rev. Messrs. Irwin, Milledoler, Potts, Linn and Janeway, be a committee to take into consideration the expediency of publishing a new edition of the Confession of Faith, etc., of this Church; to consider whether any, and if any, what alterations ought to be made in the said Confession of Faith, etc., to make such preparatory arrangements on this subject as they shall judge proper, and to report to next Assembly.

WHEREAS, This Assembly have been informed, that one or more unauthorized editions of the Confession of Faith, and the Form of Government and Discipline of this Church, have been published within a short period,

Resolved, That the Assembly cannot recognize as accurate, or recommend to the churches under their care, any edition of the said Confession of Faith, published since that which was printed by Robert Aitken, in the year 1797, under the direction of the General Assembly. And the Assembly would further declare to the churches in their communion, that no edition of the said Confession of Faith ought, in future, to be purchased or encouraged by them, except such as may be published by the authority of the Assembly.—1803, p. 282.

5. Committee on circulation.

Resolved, That Mr. Hotchkin, Drs. Blatchford and Romeyn, Messrs. Potts, Patterson, John H. Rice, Drs. Blythe, Hall, Thompson and Mr. Kemper, be a committee to report some plan for more extensively circulating the Confession of Faith and the Book of Discipline of our Church.—1816, p. 613.

6. Presbyteries and churches to stimulate circulation.

The committee appointed to inquire whether some plan cannot be devised for the wider circulation of the Confession of Faith, and of the Constitution of the Presbyterian Church, reported, and their report being read and amended, was adopted, and is as follows, viz.:

1. That it be strictly enjoined on all the Presbyteries under the General Assembly, to endeavor, by such means as upon careful examination shall to them appear best, to promote the diffusion and wider circulation of the Confession of Faith, and Book of Discipline of the Presbyterian Church.

2. That it be recommended to the congregations in our connection to take measures to supply their own poor with the Confession of Faith, Catechisms, and Book of Discipline of our Church.

7. Committee of supervision of 1821.

Drs. Blatchford, M'Dowell and Wilson, and Messrs. Herron and William Williams, were appointed a committee to determine upon the plan of printing a new edition of the Confession of Faith, and Constitution of the Church.—1821, p. 9.

8. Committees of supervision appointed from the Synods.

The committee appointed to determine upon the plan of printing a new edition of the Confession of Faith and Constitution of the Church, presented a report, which was accepted; whereupon the Assembly

Resolved, 1. That the Rev. Dr. Ely be appointed a committee to pro-

cure in the name of the Trustees of the General Assembly, the privilege of a copyright for the publishing of the Confession of Faith, and Constitution of the Church; and that he be charged with seeing that every part of the law concerning the securing said right be fully complied with.

2. That any printer so disposed, may print any number of copies of said book, as he shall think proper, subject to the following restrictions:

3. That to secure authentic copies of so important a publication three ministers of each of the Synods of our Church be designated as a committee in their respective bounds, whose duty it shall be to form contracts for the payment of the premium hereinafter mentioned, and carefully to examine the proof sheets of said book. Their signatures shall be regarded as necessary certificates of authenticity.

4. That each printer of said book, for the privilege of printing, shall pay the sum of three cents per copy, to the Treasurer of the General Assembly; to be equally divided between the missionary funds belonging to this Assembly, and the funds of the Theological Seminary at Princeton.

5. That the committee of the Synod of Philadelphia be directed to have the book printed as speedily as possible.

The Assembly then proceeded to appoint the following committees in their respective Synods, to act in conformity with the preceding resolutions, viz.—1821, p. 18.

9. Committees responsible for accuracy.

Resolved, That the members of these several committees, respectively, shall be considered as responsible to the Church for the accuracy of the editions which may be printed under their superintendency.—1821, p. 18.

10. Board of Publication to print and sell.

Resolved, That the permission heretofore granted by the Assembly to publish the Confession of Faith in contravention of the copyright, be, and the same is, hereby revoked.

Resolved, That the Presbyterian Board of Publication is hereby directed to take the charge, oversight, and agency of printing and selling the authorized copy of the Constitution of the Presbyterian Church in the United States of America.—1839, p. 177, O. S.

11. Synodical committees abolished.

Resolved, That the standing committees to supervise the publication of the Constitution, within the bounds of the several Synods, be, and the same are, hereby abolished.—1839, p. 177, O. S.

12. Permanent committee of supervision appointed.

Resolved, That the Stated and Permanent Clerks be a committee to supervise the publication of any and all editions of the Constitution hereafter issued by the Board of Publication, and also of the Rules for Judicatories.—1886, p. 113.

Resolved, 1. That the Permanent Committee on Editions of the Constitution be enlarged by the addition, *ex-officio*, of the Rev. E. R. Craven, D.D., LL.D.

Resolved, 2. That no change of the text of any of the several Standards of Doctrine, Government, Discipline and Worship, included

in the Constitution, shall hereafter be made except after report to the General Assembly, and due constitutional procedure.—1891, p. 37.

13. Attestation by the committee of supervision.

The Permanent Committee appointed to supervise all editions of the Constitution, having carefully examined this edition, herewith state that the text has been carefully compared with those of the editions of 1789, 1797, 1815, 1821, 1885 and 1888, the edition of 1789 being regarded as the Princeps, and also with the texts of the amendments as they appear in the Minutes of the General Assembly. In their judgment, this edition contains what may be regarded as the authoritative text of the Standards of the Presbyterian Church in the United States of America. The proof-texts are those approved by the Assembly of 1894, and have been carefully edited. The Index has been greatly enlarged, and it is believed will prove a decided help in consulting the work.

[Edition of 1896.]

Wm. H. Roberts,
Wm. E. Moore,
E. R. Craven.

14. Standard copy of the Shorter Catechism.

Resolved, That the Assembly approve the revised copy of the Shorter Catechism with the Ten Commandments, the Lord's Prayer, and the Creed, presented by the Board of Publication, and hereby adopt the same as the standard edition of our Church.—1872, p. 22.

[Note.—See Report of the Committee on Proof-texts, 1894, p. 24.]

15. Report on corrections in punctuation, etc.

The Special Committee on a New Edition of the Constitution presented its Report, which was accepted, and adopted, and is as follows:

The Permanent Committee, consisting of the Stated and Permanent Clerks, appointed to supervise the editions of the Constitution of the Church, would respectfully report to the General Assembly of 1891 that a new edition of the Constitution has been prepared under the supervision of the Committee, and published by the Board of Publication and Sabbath-school Work. Great care has been taken in the preparation of this edition, and it is believed to be more accurate than any preceding issue. The text has been carefully compared with the editions of 1789, 1797, 1815, 1885 and 1888, the edition of 1789 being regarded as the Princeps, and also with the texts of the several amendments as they appear in the Minutes of the General Assembly. In the judgment of the Committee this edition contains what may be regarded as the authoritative text of the Standards of the Presbyterian Church in the United States of America. The proof-texts have been carefully compared with those contained in the edition of 1797. The Index has been enlarged, and it is believed will prove a decided help in consulting the work.

The Committee thankfully acknowledge the faithful, painstaking services and valuable assistance rendered in the preparation and publication of this edition by the Rev. Elijah R. Craven, D.D., LL.D.

As a result of the work done by him and your Committee, the following restorations of the true text of the Constitution have been made.

The principal emendations of the text of the Constitution are as follows:

Confession.

1. The title of Chapter iii is altered from "Of God's Eternal *Decrees*" to "Of God's Eternal *Decree*."

2. Chapter vii, 3—"*offered*" changed to "*offereth*."

3. Chapter xi, 3—the punctuation altered so as to read: "Yet, inasmuch as He was given by the Father for them; and His obedience and satisfaction accepted in their stead; and, both freely," etc.

4. Chapter xiii, 1—a colon (:) after "dwelling in them:" and a semi-colon (;) after "weakened and mortified;".

5. Chapter xv, 6—a semi-colon (;) after "the pardon thereof;".

6. Chapter xxi, 6—"into" is altered to "unto" in the phrase "either tied *unto*."

7. Chapter xxiii, 4—the article "the" is omitted in the first clause before "people" so as to read: "It is the duty of people."

8. Chapter xxix, 2—"one" changed to "once" in the clause: "a commemoration of the *once* offering up of himself." (This change is made in accordance with the American Princeps. The British editions, so far as they have been examined, all read "*one*.")

Larger Catechism.

9. Answer 113—altering "the" to "His" in the clause: "using *His* titles, attributes," etc.

10. Answer 113 (near end)—substituting "wise" for "ways" in the clause: "or any *wise* opposing," etc.

11. Answer 120—inserting "day" in the clause: "the seventh *day* is the Sabbath," etc.

12. Answer 135 (near end)—substituting "*forbearing*" for "*forbearance*."

13. Answer 139 (near end)—substituting semi-colon (;) for comma (,) after "stage-plays."

14. Answer 142—substituting "*depredation*" for "*depopulations*." (The word employed by the Westminster divines was "depopulations," and it was appropriately used in thickly settled Britain. In this country, however, which was sparsely settled, the word "depredation" appears in the Princeps, and, beyond doubt, was the term designed by the Synod. The change to "depopulations" was made subsequent to the year 1842, doubtless to bring the Catechism into conformity with the original Westminster.)

15. Question 164—inserting "*in his church*" after "*instituted*."

16. Answer 172 (near middle)—substituting "desires" for "desirous" in the clause: "unfeignedly *desires* to be found in Christ."

17. Answer 175—substituting "*relapses*" for "*relapse*."

Shorter Catechism.

18. Answer 19—the reading of the American Princeps, restored so that the third clause shall read: "and so made liable to all *the* miseries *of* this life."

(There are three forms of this answer: (1) The American Princeps,

as above, which was continued in all editions until 1842. (2) The Westminster and Scotch, adopted in the N. S. edition of 1850, and introduced into the editions of the Presbyterian Board after 1872—"and so made liable to all miseries *in* this life. (3) A form introduced subsequent to 1842, and which seems to have been an attempted compromise between the American and Westminster forms—"and so made liable to all *the* miseries *in* this life.")

19. The words "END OF THE CATECHISM" restored after the Creed. (These words appear in the American Princeps, and in all editions previous to those of 1821.)

FORM OF GOVERNMENT.

20. Chapter viii, 1—last line, "or in" substituted for "and" in the clause: "in opinion *or in* practice."

21. Chapter xiv, 7—in Question 1, substituting "the" for "and" in clauses: "the word of God, *the* only infallible rule."

22. Chapter xxii, 1—substituting "their" for "the" in the clause: "for *their* commissioners to attend to their duty."

The Committee has also prepared a summary, setting forth in brief the history of the Standards of the Church, and this has been published on page 4 of the new edition.

Your Committee would recommend the passage and adoption of the following resolutions:

Resolved, 1. That the Permanent Committee on Editions of the Constitution be enlarged by the addition, *ex-officio*, of the Rev. E. R. Craven, D.D., LL.D.

Resolved, 2. That no change of the text of any of the several Standards of Doctrine, Government, Discipline and Worship, included in the Constitution, shall hereafter be made except after report to the General Assembly, and due constitutional procedure.

Respectfully submitted,

WM. H. ROBERTS,
WM. E. MOORE.

—1891, pp. 34–37.

16. Title-page of the Constitution changed.

The Committee on the Constitution respectfully reports that a new edition of the Constitution has been issued under its direction, by the Board of Publication; that said edition contains the revised proof-texts reported to and approved by the General Assembly of 1894, and also acts of the Assembly of a general administrative character, as directed by the same Assembly.

The Committee draw particular attention to the title-page of the next edition, which will read: "The Constitution of the Presbyterian Church in the U. S. A., being its Standards, subordinate to the Word of God, viz., The Confession of Faith, the Larger and Shorter Catechisms, the Form of Government, and the Directory for the Worship of God," etc. —1896, p. 168.

[NOTE.—See for full report on the change in title p. 10.]

IV. PROOF-TEXTS TO THE STANDARDS.

1. Proof-texts authorized, 1794.

The Committee appointed to prepare the Scripture proofs in support of the doctrines of the Confession of Faith, the Catechisms, etc., of the Presbyterian Church, submitted their report, which was read, examined, and approved as a specimen of the work. Whereupon Dr. Green, Messrs. John B. Smith, James Boyd, William M. Tennent, Nathaniel Irwin and Andrew Hunter, were appointed a Committee to compare the proofs prepared by said Committee, and now reported to the General Assembly, with the proofs annexed to the Westminster Confession of Faith, Catechisms and Directory; to revise the whole, prepare it for the press, to agree with the printer for its publication, and to superintend the printing and vending of the same.—1794, p. 88.

2. Revision of proof-texts, 1894.

Overture from the Presbytery of Philadelphia, asking the appointment of a Committee of competent divines to revise the proof-texts of our Standards, and to suggest such changes as may, on examination, be found desirable, to be reported to a future Assembly.

It is recommended that the request be approved, and that the following Committee be appointed to report to the next Assembly: Ministers—Samuel T. Lowrie, William H. Green, Howard Crosby, Joseph T. Smith, Marvin R. Vincent, David C. Marquis, Matthew B. Riddle. Adopted.—1888, p. 59.

The next year the Committee reported that the Rev. M. R. Vincent, D.D., had declined to serve. On its recommendation, W. G. T. Shedd, D.D., Edward D. Morris, D.D., and Ransom B. Welch, D.D., were added to the Committee.—1889, p. 19.

In 1890 the Committee reported progress, and was continued.—1890, pp. 117–119.

The next year the Committee presented its report, with recommendations which were adopted. The Moderator was empowered to fill the vacancies in the Committee. [Dr. R. B. Welch, and Dr. Howard Crosby having died since the last report.]

The Committee also reported to the Assembly the chief rules that were adopted for its guidance, as follows:

The proof-texts as they have heretofore been printed by the authority of the General Assembly, and the original Westminster texts, were taken together as the basis of the work.

Westminster texts were restored, where they seemed better, or even as good as those that were substituted for them in our book. For it is desirable, as far as possible, to have the original texts, and thus, also, the same proofs as are printed by other Presbyterian Churches that have the Westminster Standards and retain the Westminster texts.

Reject texts of our book (*a*) where such restoration or supplying new texts makes them redundant; or (*b*) where locating texts differently seems expedient, and occasions their redundancy, or (*c*) where the proof is defective in itself, or because of a rejected or much-disputed reading in the original, or because the sense is much debated.

Supply texts not used before where they afford the most pertinent proof.

Locate texts differently where they are more exactly adapted to other statements of the Confession or Catechism, than to those to which they are attached.

Arrange the texts under a letter in the order that corresponds to the order of topics in the clause to which the letter refers.

Print the texts in full more generally than they now appear; using simple references only to avoid repetition of the words in full in near proximity, or where the passage is long.

The Committee took into consideration the "Note attached to the Title of the Shorter Catechism," which explains the omission to supply proof-texts to that compendium as the Westminster divines had done. It reads as follows: "The Shorter Catechism is simply an abridgment of the Larger; so that the proofs of both must be the same. The reader, therefore, who desires to see the Scripture authorities for any doctrine taught in this Catechism, will turn to that doctrine in the Larger Catechism," etc. To say that "the Shorter Catechism is simply an abridgment of the Larger," expresses a relation of the two that is inconsistent with the facts of their preparation, and with the differences that appear in their composition. We recommend that the note shall read as follows: "The Shorter Catechism being a brief compendium of what is taught in the Larger, the reader who desires to see the Scripture authorities," etc.

The Committee recommend that in printing the proof-texts, the method of referring to them from the statements of the Confession of Faith and Larger Catechism, viz., by small letters, be made to conform as much as possible to the usage in the standard editions of the same as published by the Church of Scotland; especially in the following particulars: 1. Omit the letters j and v. 2. At the beginning of each chapter of the Confession of Faith, begin with the first letter of the alphabet to mark the references. 3. In the Confession of Faith, mark the proof-texts belonging to one chapter from those of another by spacing with leads; and the proof-texts of one section from those of another by setting the number of the section before the first letter that marks the texts belonging to it. 4. In the Larger Catechism, mark the proof-texts belonging to each question by setting the number of the question before the first letter referring to it. 5. That in respect to spelling, italics and punctuation, the printing of the proof-texts be made to conform to some recognized standard of printing the English Bible.

A copy of the Confession of Faith, printed by the Board of Publication from newly made plates, in preparation for a new and more correct edition of our Standards, was taken by the Committee and called its Official Copy. The results of their labor, viz., the changes in the proof-texts that they recommend, and the change in the note attached to the title of the Shorter Catechism, have been entered in the margins of the Official Copy of the Confession of Faith. This Official Copy we herewith submit to the General Assembly as the embodiment of our work.

In respect to the acceptance of this report, and the disposition to be made of your Committee's work, the Assembly will necessarily consider the following subjects:

1. Since this revision of the proof-texts was instituted, the Confession of Faith itself has been submitted to revision with a view to possible "alterations and amendments."

2. Shall the changes in the proof-texts recommended by your Committee be adopted by this Assembly?

In respect to the first of these considerations, when it is remembered that the revision of the Confession of Faith now in progress is expressly limited "not [to] propose any alterations or amendments that will in any way impair the integrity of the Reformed or Calvinistic system of doctrine taught in the Confession of Faith" (Assembly's "Minutes," 1890, p. 86), it appears that the most of the work done by this Committee is unaffected by the revision of the Confession of Faith; and it may be assumed that for the most part the proof-texts recommended by this Committee will still be found appropriate in places where the text of the Confession of Faith may be modified. The readjustment of them, with such omissions or other selections as may become expedient, might be referred to this Committee.

With regard to the second consideration above, your Committee would remind the Assembly that the present revision of the proof-texts was instituted in view of the following facts, viz.:

1. Since the selection of such texts by the Westminster divines, two and a half centuries ago, much light has been shed on the texts used by them, and on others not so used, and especially much has been done to settle the correct text of the Scriptures, particularly of the New Testament. Consequently some changes of the proof-texts had become important.

2. The proof-texts as printed by authority of our Church differ much from the original proof-texts furnished by the Westminster Assembly. That Assembly did its work in a very thorough way. Referring it first to Special Committees, the proof-texts recommended by these were canvassed in sessions of the Assembly extending through many days and even months. The finished work of that Assembly was then reported to Parliament, and approved and adopted by it.

3. No one can suppose that the work of revising those texts could be attempted by one of our General Assemblies, in the fashion used by the Westminster Assembly. This was not thought necessary by the General Assemblies of 1792–4, that brought about the revised proof-texts that our Church has printed ever since. But the method used at that time was faulty. The preparation of proof-texts was consigned to a small Committee, and the actual work appears to have been done by only two ministers, one of whom did the work on the Confession of Faith, and the other that on the Larger Catechism. On their report and recommendation, the Assembly of 1794 adopted the proof-texts and ordered their printing, in the form the Church has used to the present. (See *Presbyterian Review*, July, 1888.)

4. The Assembly that instituted the present revision of the proof-texts improved on the methods of the earlier revision by appointing a Committee of nine ministers, all but one of whom have been able to devote much labor to the work. The Committee was intended to be fairly representative of the whole Church, by the character, qualification, and position of its members, and by their geographical distribution, and by numbers not too many to be practically coöperative. The Committee, as their reports show, have done the work of revision by methods that have exacted the attention of every member to the whole of it, while by parts it has been subjected to particular study. Leaving it to the Assembly

to vindicate the selection of the workmen that was made, the Committee itself trusts that it will be approved as having used due diligence.

Having these facts before it, the Assembly can judge whether a more perfect work may be achieved by a further process. For ourselves, having experience of the comprehensive consideration, the patient scrutiny, and deliberate wisdom required in this work, and supposing that by our combined knowledge, with the use of commentaries and theological works, we have been confronted with the criticisms that it may encounter, and that we have paid due attention to such different views, as it was our aim and duty to do, we are of the opinion that any good that might come of submitting our work to a wider scrutiny and judgment, would not justify the pains and cost of the printing that would be necessary, nor be commensurate with the confusion and trouble that would attend such a course.

We therefore conclude with the following recommendations for adoption by this Assembly:

1. That this report be printed in the "Minutes" of this Assembly.

2. That, in view of the revision of the Confession of Faith, and other circumstances that make it impossible to treat the revision of the proof-texts as a completed work at present, the Committee on Proof-texts be continued.

3. That when this Committee's work is finally adopted by the Assembly, the Church shall provide for the children a form of the Catechism with proof-texts appended.

Respectfully submitted,

SAMUEL T. LOWRIE, *Chairman.*

—1891, pp. 129–134.

B. B. Warfield, D.D., Timothy G. Darling, D.D., and Wallace Radcliffe, D.D., were appointed to fill the vacancies in the Committee. —1891, p. 185.

The Committee reported "Progress."—1892, p. 42; 1893, p. 206.

In 1894 the Committee presented its final report. The resolutions were adopted *seriatim*, and the report as a whole was adopted, and is as follows:

1. The Shorter Catechism with proof-texts, as ordered by the Assembly of 1893 (*Minutes*, pp. 206, 207), was printed by the Board of Publication and Sabbath-school Work, and seven thousand copies of the same were by it distributed, about January 1, 1894, to ministers and Sessions, as a sample of the Committee's whole work on the proof-texts. In the same pamphlet was printed also a statement by the Committee of the methods used by it in its work. This pamphlet will be referred to in the progress of this Report as the Sample Pamphlet. A copy of the same is also herewith submitted to the Assembly.

2. The action of the Assembly referred to invited criticism to be received and considered as the Assembly would direct. No direction, however, was given. It was therefore arranged by those charged with issuing the Sample Pamphlet that criticisms or suggestions should be enclosed to the Rev. E. R. Craven, D.D., Secretary of the Board of Publication and Sabbath-school Work, who would acknowledge receipt of the same and transmit them to the Committee. A notice to this effect appears on page 10 of the Sample Pamphlet.

Three communications of this sort came to the Committee in the way

indicated. One was a criticism of the fitness of a certain text as used for proof; another recommended a text for a certain place; another suggested eleven texts as desirable proofs for places it indicated. These communications being few and brief, they were submitted to the members of the Committee by copies sent through the post-office. From the replies thereto returned to the Chairman it appears that four of the suggested texts were approved, and the same are adopted as part of the Committee's report of proof-texts for the Shorter Catechism; in token of which they are supplied at the proper places in the copy of the Sample Pamphlet herewith submitted, as well as in the Committee's official copy of the Confession of Faith, which has been referred to in previous reports to the Assembly as representing the results of the Committee's work.

3. In the Sample Pamphlet an explanatory note on page 2 states that the Board of Publication and Sabbath-school Work is responsible for editing the text of the Shorter Catechism, and the Chairman of the Committee for editing the proof-texts.

In this connection there emerges a matter that the Committee deems important. Agreeably to rules of editing adopted by the Board, the text of the Shorter Catechism conforms to an American fashion of spelling. The proof-texts conform in spelling to the text of a Cambridge Bible used in editing them. The confusion arising from this appears, *e. g.*, at Question 57, "labor" and "labour;" Questions 63–65, "honor" and "honour;" Questions 69–71 and 75–81, "neighbor" and "neighbour." This discrepancy must appear in a much larger degree in editing the Confession of Faith and the Larger Catechism with proof-texts, should that be done in the same way.

It is the opinion of the Committee that uniformity in spelling should be observed in the text of these Standards and in the proof-texts attached to them. But for the proof-texts it recommends that they be printed to conform precisely, in text, punctuation and spelling, to the best recognized standard of printing the English Bible in England, or to the best and standard edition of the English Bible printed by the American Bible Society.*

4. The Committee reiterates the recommendation of the Report of 1891 (see Assembly's *Minutes*, 1891, pp. 131–134) concerning the editing of the proof-texts as the same appears on pp. 6 and 7 of the Sample Pamphlet.

5. The action of the Assembly of 1893, that concluded the consideration of the revision of the Confession of Faith that was initiated in 1889, leaves the situation the same as that of 1888, when the Committee on Proof-texts was appointed. Having now submitted a finished work, and that work, as represented in the Sample Pamphlet, having in the appointed way been challenged in only one instance as to the fitness of the proof-texts it has prepared, the Committee supposes that the time has come for finally disposing of its work, and that the Committee may be discharged.

Should the Assembly approve the work submitted, it may appear to some members that its adoption should be referred to the Presbyteries It seems expedient, therefore, to call to mind the process by which the proof-texts that have been used for a century were adopted. A state-

*See Resolution No. 2, p. 26.

ment of this, given in the report of 1891 (*Minutes*, p. 132), appears on pp. 7–9 of the Sample Pamphlet. An authorized record of it is in *Moore's Digest*, (1886) Book i, Chap. i, 9 *a. b. c.* These proof-texts were the work of a Committee appointed by the Assembly of 1792, which the Assembly of 1794 approved and confided to a Committee especially appointed for the purpose, which was to prepare the same for the press, agree with the printer for publication, and superintend the printing and vending of the same. The second Committee was obviously the expedient of that time for doing what the Church has since then created the Board of Publication to do. This was doing as had been done with the original Westminster proof-texts, which were reported by the Westminster Assembly to Parliament and adopted by the latter.

These precedents make it plain that the adoption of the present work should take place in the same way, viz., by action of the Assembly to that effect. Adopted in that way, the proof-texts will continue to have the same relation to the text of the Standards that such proof-texts have always had. And this, it is supposed, was the intention in undertaking the present work.

Understanding the matter so, your Committee cherishes the hope that its work will now be adopted by this Assembly and that the Committee may be discharged. It has existed and labored for six years; an unexpected duration. In that period God has called to heaven two of the members appointed on this Committee, viz., Drs. Crosby and Welch. It is reason for wonder and gratitude that all but one of those appointed in 1888 still survive. The unexpected duration of this work has providentially brought us to the exact centennial of the adoption of the proof-texts that have hitherto been printed with the Standards of our Church. This is a very interesting coincidence, which every one may point out in his own way. The Assembly will say whether it shall be signalized by beginning another century with the proof-texts as revised and amended by the work of this Committee.

The Committee respectfully offers for adoption the following recommendations:

1. That the General Assembly adopt the proof-texts for the Confession of Faith, the Larger Catechism and the Shorter Catechism as the same have been prepared by the Committee on Proof-texts, and authorize the same to be printed henceforth instead of those heretofore authorized to be printed with the Church's Standards.

2. That the General Assembly require the editing of the said proof-texts to conform precisely in text and punctuation to the best and standard edition of the English Bible, printed by the American Bible Society, except where the Board of Publication shall order otherwise.

3. That the General Assembly require the said proof-texts to be printed with the text of the Confession of Faith and of the Larger Catechism in the way recommended by the Committee on Proof-texts in its report to the Assembly of 1891 (see *Minutes*, pp. 131, 132), and as the same is set forth, pp. 6, 7, of the Sample Pamphlet; and with the text of the Shorter Catechism, as they appear in the Sample Pamphlet that accompanies this report, subject to the standard of printing the Bible that the Assembly shall adopt.

That this report be spread on the minutes of the General Assembly.

5. That the Committee on Proof-texts be discharged.—1894, pp. 157–160.

V. SEPARATIONS AND REUNIONS.

I. 1. Withdrawal of the Synod of New York, 1745.

[NOTE.—In 1745 sundry ministers and elders of the Presbyteries of New York, New Brunswick and New Castle withdrew from the Synod of Philadelphia, and formed themselves into a Synod under the name and title of the Synod of New York.]

The following articles were agreed upon as

THE PLAN AND FOUNDATION OF THEIR SYNODICAL UNION.

1. They agree that the Westminster Confession of Faith, with the Larger and Shorter Catechisms, be the public confession of their faith in such manner as was agreed unto by the Synod of Philadelphia, in the year 1729; and to be inserted in the latter end of this book. And they declare their approbation of the Directory of the Assembly of Divines at Westminster, as the general plan of worship and discipline.

2. They agree that in matters of discipline, and those things that relate to the peace and good order of our churches, they shall be determined according to the major vote of ministers and elders, with which vote every member shall actively concur or pacifically acquiesce; but if any member cannot in conscience agree to the determination of the majority, but supposes himself obliged to act contrary thereunto, and the Synod think themselves obliged to insist upon it as essentially necessary to the well-being of our churches, in that case such dissenting member promises peaceably to withdraw from the body without endeavoring to raise any dispute or contention upon the debated point, or any unjust alienation of affection from them.

3. If any member of their body supposes that he hath anything to object against any of his brethren with respect to error in doctrine, immorality in life, or negligence in his ministry, he shall not, on any account, propagate the scandal until the person objected against is dealt with according to the rules of the gospel, and the known methods of their discipline.

4. They agree, that all who have a competent degree of ministerial knowledge, are orthodox in their doctrine, regular in their lives, and diligent in their endeavors to promote the important designs of vital godliness, and that will submit to their discipline, shall be cheerfully admitted into their communion.

And they do also agree, that in order to avoid all divisive methods among their ministers and congregations, and to strengthen the discipline of Christ in the churches in these parts, they will maintain a correspondence with the Synod of Philadelphia in this their first meeting, by appointing two of their members to meet with the said Synod of Philadelphia at their next convention, and to concert with them such measures as may best promote the precious interests of Christ's kingdom in these parts.—*Records*, 1745, pp. 233, 234.

[NOTE.—For subsequent actions of the Synod of New York until the Reunion, in 1758, see *Records*, 1749, pp. 238, 239: 1750, pp. 240, 241, 243; 1756, p. 272; 1757, p. 279, and Baird's *Digest*, pp. 609–613.]

2. The Reunion of 1758: forming the Synod of New York and Philadelphia.

The two Synods of Philadelphia and New York, reunited in 1758, May 29, when the following Plan of Union was adopted, viz.:

The Synods of New York and Philadelphia taking into serious consid-

eration the present divided state of the Presbyterian Church in this land, and being deeply sensible that the division of the Church tends to weaken its interests, to dishonor religion, and consequently its glorious Author; to render government and discipline ineffectual, and finally to dissolve its very frame; and being desirous to pursue such measures as may most tend to the glory of God and the establishment and edification of His people, do judge it to be our indispensable duty to study the things that make for peace, and to endeavor the healing of that breach which has for some time subsisted amongst us, that so its hurtful consequences may not extend to posterity; that all occasion of reproach upon our society may be removed, and that we may carry on the great designs of religion to better advantage than we can do in a divided state; and since both Synods continue to profess the same principles of faith, and adhere to the same form of worship, government and discipline, there is the greater reason to endeavor the compromising those differences which were agitated many years ago with too great warmth and animosity, and unite in one body.

For which end, and that no jealousies or grounds of alienation may remain, and also to prevent future breaches of like nature, we agree to unite and do unite in one body, under the name of the Synod of New York and Philadelphia, on the following plan:

I. Both Synods having always approved and received the Westminster Confession of Faith and Larger and Shorter Catechisms as an orthodox and excellent system of Christian doctrine founded on the word of God, we do still receive the same as the confession of our faith, and also adhere to the plan of worship, government and discipline contained in the Westminster Directory, strictly enjoining it on all our members and probationers for the ministry, that they preach and teach, according to the form of sound words in said Confession and Catechisms, and avoid and oppose all errors contrary thereto.

II. That when any matter is determined by a major vote, every member shall either actively concur with or passively submit to such determination; or if his conscience permit him to do neither, he shall, after sufficient liberty modestly to reason and remonstrate, peaceably withdraw from our communion without attempting to make any schism. Provided always that this shall be understood to extend only to such determination as the body shall judge indispensable in doctrine or Presbyterian government.

III. That any member or members, for the exoneration of his or their conscience before God, have a right to protest against any act or procedure of our highest judicature, because there is no further appeal to another for redress; and to require that such protestation be recorded in their minutes. And as such a protest is a solemn appeal from the bar of said judicature, no member is liable to prosecution on the account of his protesting. Provided always that it shall be deemed irregular and unlawful to enter a protestation against any member or members, or to protest facts or accusations instead of proving them, unless a fair trial be refused, even by the highest judicature. And it is agreed, that protestations are only to be entered against the public acts, judgments or determinations of the judicature with which the protester's conscience is offended.

IV. As the protestation entered in the Synod of Philadelphia, *Ann. Dom.* 1741, has been apprehended to have been approved and received

by an act of said Synod, and on that account was judged a sufficient obstacle to an union; the said Synod declare that they never judicially adopted the said protestation, nor do account it a Synodical act, but that it is to be considered as the act of those only who subscribed it; and therefore cannot in its nature be a valid objection to the union of the two Synods, especially considering that a very great majority of both Synods have become members since the said protestation was entered.

V. That it shall be esteemed and treated as a censurable evil, to accuse any member of heterodoxy, insufficiency or immorality in a calumniating manner, or otherwise than by private brotherly admonition, or by a regular process according to our known rules of judicial trial in cases of scandal. And it shall be considered in the same view if any Presbytery appoint supplies within the bounds of another Presbytery without their concurrence; or if any member officiate in another's congregation without asking and obtaining his consent, or the session's in case the minister be absent; yet it shall be esteemed unbrotherly for any one, in ordinary circumstances, to refuse his consent to a regular member when it is requested.

VI. That no Presbytery shall license or ordain to the work of the ministry, any candidate, until he give them competent satisfaction as to his learning, and experimental acquaintance with religion, and skill in divinity and cases of conscience; and declare his acceptance of the Westminster Confession and Catechisms as the confession of his faith, and promise subjection to the Presbyterian plan of government in the Westminster Directory.

VII. The Synods declare it is their earnest desire that a complete union may be obtained as soon as possible, and agree that the united Synod shall model the several Presbyteries in such manner as shall appear to them most expedient. Provided, nevertheless, that Presbyteries, where an alteration does not appear to be for edification, continue in their present form. As to divided congregations, it is agreed that such as have settled ministers on both sides be allowed to continue as they are; that where those of one side have a settled minister, the other being vacant, may join with the settled minister, if a majority choose so to do; that when both sides are vacant they shall be at liberty to unite together.

VIII. As the late religious appearances occasioned much speculation and debate, the members of the New York Synod, in order to prevent any misapprehensions, declare their adherence to their former sentiments in favor of them, that a blessed work of God's Holy Spirit in the conversion of numbers was then carried on; and for the satisfaction of all concerned, this united Synod agree in declaring that as all mankind are naturally dead in trespasses and sins, an entire change of heart and life is necessary to make them meet for the service and enjoyment of God; that such a change can be only effected by the powerful operations of the Divine Spirit; that when sinners are made sensible of their lost condition and absolute inability to recover themselves, are enlightened in the knowledge of Christ and convinced of his ability and willingness to save, and upon gospel encouragements do choose him for their Saviour, and renouncing their own righteousness in point of merit, depend upon his imputed righteousness for their justification before God, and on his wisdom and strength for guidance and support; when upon these apprehensions and exercises their souls are comforted, notwithstanding all their

past guilt, and rejoice in God through Jesus Christ: when they hate and bewail their sins of heart and life, delight in the laws of God without exception, reverentially and diligently attend his ordinances, become humble and self-denied, and make it the business of their lives to please and glorify God and to do good to their fellow-men—this is to be acknowledged as a gracious work of God, even though it should be attended with unusual bodily commotions or some more exceptionable circumstances, by means of infirmity, temptations or remaining corruptions; and wherever religious appearances are attended with the good effects above mentioned, we desire to rejoice in and thank God for them. But, on the other hand, when persons seeming to be under a religious concern, imagine that they have visions of the human nature of Jesus Christ, or hear voices, or see external lights, or have fainting and convulsion-like fits, and on the account of these judge themselves to be truly converted; though they have not the Scriptural characters of a work of God above described, we believe such persons are under a dangerous delusion; and we testify our utter disapprobation of such a delusion, wherever it attends any religious appearances, in any Church or time.

Now as both Synods are agreed in their sentiments concerning the nature of a work of grace, and declare their desire and purpose to promote it, different judgments respecting particular matters of fact ought not to prevent their union; especially as many of the present members have entered into the ministry since the time of the aforesaid religious appearances.

Upon the whole, as the design of our union is the advancement of the Mediator's kingdom, and as the wise and faithful discharge of the ministerial function is the principal appointed means for that glorious end, we judge that this is a proper occasion to manifest our sincere intention unitedly to exert ourselves to fulfill the ministry we have received of the Lord Jesus. Accordingly, we unanimously declare our serious and fixed resolution, by divine aid, to take heed to ourselves that our hearts be upright, our discourse edifying, and our lives exemplary for purity and godliness; to take heed to our doctrine, that it be not only orthodox, but evangelical and spiritual, tending to awaken the secure to a suitable concern for their salvation, and to instruct and encourage sincere Christians, thus commending ourselves to every man's conscience in the sight of God; to cultivate peace and harmony among ourselves, and strengthen each other's hands in promoting the knowledge of divine truth, and diffusing the savor of piety among our people.

Finally, we earnestly recommend it to all under our care, that instead of indulging a contentious disposition, they would love each other with a pure heart fervently, as brethren who profess subjection to the same Lord, adhere to the same faith, worship and government, and entertain the same hope of glory. And we desire that they would improve the present union for their mutual edification, combine to strengthen the common interests of religion, and go hand in hand in the path of life; which we pray the God of all grace would please to effect, for Christ's sake. Amen.

The Synod agree, that all former differences and disputes are laid aside and buried; and that no future inquiry or vote shall be proposed in this Synod concerning these things; but if any member seek a Synodical inquiry or declaration about any of the matters of our past differences, it shall be deemed a censurable breach of this agreement, and be refused, and he be rebuked accordingly.—1758, pp. 285, 288.

II. THE SEPARATION OF 1837.

1. The excluding act of 1837.

[See Baird's *Digest*, rev. ed., pp. 715–770; and *Minutes*, 1837, pp. 419–488.
The plan of Union of 1801, with the Congregational Churches, was abrogated.—1837, pp. 420–422.
By the operation of the abrogation of the Plan of Union of 1801, the Synod of the Western Reserve was declared to be no longer a part of the Presbyterian Church in the United States of America.—1837, p. 440.
The Synods of Utica, Geneva and Genesee, which were formed and attached to this body under and in execution of said "Plan of Union," were declared to be out of the ecclesiastical connection of the Presbyterian Church in the United States of America, and not in form or in fact an integral portion of said Church.—1837, p. 444.]

2. The Division of the Church.

Two General Assemblies organized.

[See Baird's *Digest*, rev. ed., pp. 770–784; and *Minutes*, 1838, pp. 3, 7, 19, O. S.
Also *Minutes*, 1838, pp. 635–645, N. S.
Thenceforth until 1869 the two Assemblies met as independent bodies.
For the relations of the two Assemblies prior to reunion see *Digest*, 1886, pp. 57, 58; and *Minutes*, 1849, pp. 174, 175; 1850, p. 306, N. S.; 1850, p. 467, O. S.]

III. THE REUNION OF 1869.

1. Initiation of correspondence between the Assemblies.

a. In the General Assembly of the Presbyterian Church in the United States of America, in session at Columbus, Ohio, the matter of a fraternal correspondence by commissioners, with the General Assembly of the Presbyterian Church (New School), in session at Cincinnati, Ohio, being duly considered, is decided as follows:

This Assembly, having considered certain overtures sent to it by a few of the Presbyteries under its care, proposing that steps should be taken by it towards an organic union between this Church and the Church under the care of the Presbyterian General Assembly (New School); and having determined against the course proposed in said overtures, has also been informed that the other General Assembly has, about the same time, come to a similar conclusion on similar overtures laid before it by a certain number of its own Presbyteries. Of its own motion, this General Assembly, considering the time to have come for it to take the initiative in securing a better understanding of the relations which it judges are proper to be maintained between the two General Assemblies, hereby proposes that there shall be a stated, annual, and friendly interchange of Commissioners between the two General Assemblies; each body sending to the other one minister and one ruling elder, as Commissioners, year by year; the said Commissioners to enjoy such privileges, in each body to which they are sent, as are common to all those now received by this body from other Christian denominations.

The Moderator of this Assembly will communicate this Deliverance to the Moderator of the other Assembly, to be laid before it with our Christian salutations.—1862, pp. 633, 634, O. S.

[This action was communicated to the Assembly, N. S., of 1863, whose response was as follows.]

b. The Committee, to whom was referred the communication from the General Assembly of the Presbyterian Church in the United States of America, that met at Columbus, Ohio, in May, 1862, addressed to this General Assembly, and proposing "a stated, annual, and friendly interchange of Commissioners between the two General Assemblies," recommend the adoption of the following resolutions:

Resolved, 1. That this Assembly, with heartfelt pleasure and Christian salutations, accept the proposition thus made, hoping and praying, that it may result "in securing a better understanding of the relations," which, in the judgment of this Assembly, "are proper to be maintained between the two Assemblies."

2. That, in accordance with the suggestion of the Moderator of the Assembly that met at Columbus, Ohio, in May, 1862, that this interchange of Commissioners should commence at the earliest practicable period, the Rev. Robert W. Patterson, D.D., and the Hon. William H. Brown, Principals, and the Rev. Arthur Swazey and Mr. Oliver H. Lee, Alternates, all of the Presbytery of Chicago, be appointed Commissioners, to represent this General Assembly in the General Assembly now in session at Peoria, Ill.

3. That it be suggested that future General Assemblies of the two branches of the Presbyterian Church in the United States hereafter designate each other respectively by the places in which their sessions are appointed to be held.

4. That a certified copy of this action be at once transmitted to the Moderator of the General Assembly now in session at Peoria, Ill., and that the Commissioners appointed be requested to repair to that body, and express to them the fraternal and Christian regards of this General Assembly.—1863, p. 230, N. S.

2. Action of the Assemblies looking to reunion—Committee appointed.

a. *Overture of the Old School Assembly.*

The Committee of Bills and Overtures report Overture No. 10, on the subject of the reunion of the two branches of the Presbyterian Church, from the Presbyteries of Leavenworth, Muncie, New Lisbon, Madison, Erie and Oxford. These Presbyteries ask the Assembly to take measures at this Session to secure, at an early day, the organic union of the two bodies whose General Assemblies are now in session in this city.

The Committee recommend the adoption of the following resolutions:

Resolved, 1. That this Assembly expresses its fraternal affection for the other branch of the Presbyterian Church, and its earnest desire for reunion at the earliest time consistent with agreement in doctrine, order and polity, on the basis of our common Standards, and the prevalence of mutual confidence and love which are necessary to a happy union, and to the permanent peace and prosperity of the united Church.

Resolved, 2. That it be recommended to all our churches and church courts, and to all our ministers, ruling elders, and communicants, to cherish fraternal feelings, to cultivate Christian intercourse, in the worship of God and in the promotion of the cause of Christ, and to avoid all needless controversies and competitions adapted to perpetuate division and strife.

Resolved, 3. That a Committee of nine ministers and six ruling elders be appointed, provided that a similar Committee shall be appointed by the other Assembly now in session in this city, for the purpose of conferring in regard to the desirableness and practicability of reunion, and if, after conference and inquiry, such reunion shall seem to be desirable and practicable, to suggest suitable measures for its accomplishment, and report to the next General Assembly.—1866, p. 44, O. S.

b. *Response of the N. S. Assembly.*

The Committee on the Polity of the Church reported on several overtures relating to Reunion with the Other Branch of the Presbyterian Church. The report was unanimously adopted, and is as follows:

The Committee on the Polity of the Church report overtures, numbered 5 to 16, on the subject of the Reunion of the two branches of the Presbyterian Church: from the Presbyteries of New York, 3d, and New York, 4th, Newark, Dubuque, Greencastle, Alton, Steuben, Athens, Monroe, Keokuk, Long Island, Trumbull and San José. All these Presbyteries, with different degrees of urgency, recommend to this Assembly to initiate, or to respond to, proposals looking to an entire Reunion of the churches represented by the two General Assemblies now in session in the city of St. Louis.

The General Assembly now in session at the Second Presbyterian Church of this city has also adopted resolutions appointing a Committee to confer with a similar Committee of our own Church in regard to the desirableness and practicability of such Reunion.

Your Committee recommend to this Assembly the adoption of the following resolutions:

Resolved, That this Assembly tender to the Assembly representing the Other Branch of the Presbyterian Church, its cordial Christian salutations and fellowship, and the expression of its earnest wish for Reunion, on the basis of our common Standards, received in a common spirit.

Resolved, That a Committee of fifteen, nine of whom shall be ministers of the Gospel, and six ruling elders, be appointed to confer on this subject, in the recess of the Assemblies, with the Committee to be appointed by the other General Assembly, and to report the results to the next General Assembly.

Resolved, That we enjoin upon this Committee, and upon all our ministers and church members to abstain from whatever may hinder a true Christian fellowship, and to cherish and cultivate those feelings and purposes which look to the peace and prosperity of Zion, the edifying of the body of Christ, and the complete union of all believers, especially of those who live in the same land, and have the same history, and the same Standards of Doctrine and Polity.

Resolved, That a copy of these resolutions, with the names of our Committee, be sent to the other General Assembly now in session in this city.—1866, pp. 273, 274, N. S.

c. *Committees on Reunion, 1866.*

1. Old School.

Ministers—J. M. Krebs, D.D., of the Synod of New York, C. C. Beatty, D.D., of the Synod of Wheeling, J. T. Backus, D.D., of the Synod of Albany, P. D. Gurley, D.D., of the Synod of Baltimore, J. G. Monfort, D.D., of the Synod of Cincinnati, W. D. Howard, D.D., of the Synod of Pittsburg, W. E. Schenck, D.D., of the Synod of Philadelphia, Villeroy D. Reed, D.D., of the Synod of New Jersey, F. T. Brown, D.D., of the Synod of Chicago. *Ruling Elders*—James M. Ray, of the Synod of Northern Indiana, Robert McKnight, of the Synod of Allegheny, Samuel Galloway, of the Synod of Ohio, H. K. Clarke, of the Synod of Sandusky, George P. Strong, of the Synod of Missouri, Ormond Beatty, of the Synod of Kentucky.—1866, p. 48, O. S.

2. New School.

Ministers—Thomas Brainerd, D.D., Chairman; William Adams, D.D., Edwin F. Hatfield, D.D., Jonathan F. Stearns, D.D., Philemon H. Fowler, D.D., James B. Shaw, D.D., Henry L. Hitchcock, D.D., Robert W. Patterson, D.D., and Henry A. Nelson, D.D., with *Ruling Elders*—Joseph Allison, LL.D., Henry W. Williams, LL.D., and Messrs. Truman P. Handy, Edward A. Lambert, Robert W. Steele and William H. Brown.—1866, p. 278, N. S.

[The joint Committees thus constituted reported to the Assemblies of 1867.]

3. Terms of Reunion of the Assemblies of 1867 and 1868.

[The terms of reunion proposed by the Joint Committee on Reunion appointed in 1866, and continued by the Assemblies of 1867 and 1868, were sent down to the Presbyteries by both the Old and the New School Assemblies. Of the Old School Presbyteries, only 110 sent up answers, and these indicated "an unsettled and fluctuating judgment, probably without a parallel in the history of our Church." Of the New School Presbyteries, 100 were in the affirmative, and 4 in the negative.]

[NOTE.—See for the entire history of this subject, with the protest in the Old School Assembly, 1869, of Dr. E. P. Humphrey and others, and the answer to the protest, by Dr. W. G. T. Shedd and others.—*Digest* of 1886, pp. 70–90.]

4. General Assemblies of 1869 at New York.

A new Joint Committee appointed.

a. [On the first day of the session.]

On motion of Dr. Musgrave, the following was unanimously adopted:

Resolved, That a Committee of Conference, consisting of five ministers and five ruling elders, be appointed to confer with a similar Committee, if appointed by the other General Assembly now in session in this city, on the subject of the Reunion of the two branches of the Presbyterian Church; to report during the present sessions, and at as early a day as practicable, what further action, if any, should be taken on the subject.

The Moderator appointed as said Committee: *Ministers*—George W. Musgrave, D.D., A. G. Hall, D.D., L. H. Atwater, D.D., Willis Lord, D.D., and Henry R. Wilson, D.D. *Ruling Elders*—Robert Carter, J. C. Grier, Charles D. Drake, Henry Day and William M. Francis.—1869, p. 890, O. S.

b. *Resolved*, That a Committee of five ministers and five elders be appointed to-morrow morning by the Moderator, to confer with any like Committee of the Assembly of the Other Branch, on the subject of Reunion.

Ministers—William Adams, D.D., Robert W. Patterson, D.D., Samuel W. Fisher, D.D., LL.D., Jonathan F. Stearns, D.D., James B. Shaw, D.D. *Ruling Elders*—Hon. William Strong, Hon. Daniel Haines, Hon. William E. Dodge, Hon. Jacob S. Farrand, Hon. John L. Knight.—1869, pp. 252, 257, N. S.

5. The Report of the Joint Committee presented in both Assemblies, 1869.

The Committee of Conference appointed by the two General Assemblies has attended to the duty assigned to it; and after a very free interchange of views, with prayer to Almighty God for His guidance, is-

unanimous in recommending to the Assemblies for their consideration, and, if they see fit, their adoption, the accompanying three papers, to wit:

1. Plan of Reunion of the Presbyterian Church in the United States of America;

2. Concurrent Declarations of the General Assemblies of 1869; and

3. Recommendation of a Day of Prayer.

I. Plan of Reunion of the Presbyterian Church in the United States of America.

Believing that the interests of the Redeemer's kingdom would be promoted by the healing of our divisions, and that the two bodies bearing the same name, having the same Constitution, and each recognizing the other as a sound and orthodox body according to the principles of the Confession common to both, cannot be justified by any but the most imperative reasons in maintaining separate and, in some respects, rival organizations; we are now clearly of the opinion that the reunion of those bodies ought, as soon as the necessary steps can be taken, to be accomplished, upon the basis hereinafter set forth:

1. The Presbyterian Churches in the United States of America, namely, that whose General Assembly convened in the Brick Church in the city of New York, on the 20th day of May, 1869, and that whose General Assembly met in the Church of the Covenant in the said city, on the same day, shall be reunited as one Church, under the name and style of the Presbyterian Church in the United States of America, possessing all the legal and corporate rights and powers pertaining to the Church previous to the division in 1838, and all the legal and corporate rights and powers which the separate Churches now possess.

2. The Reunion shall be effected on the doctrinal and ecclesiastical basis of our common Standards; the Scriptures of the Old and New Testaments shall be acknowledged to be the inspired Word of God, and the only infallible rule of faith and practice; the Confession of Faith shall continue to be sincerely received and adopted as containing the system of doctrine taught in the Holy Scriptures; and the Government and Discipline of the Presbyterian Church in the United States shall be approved as containing the principles and rules of our polity.

3. Each of the said Assemblies shall submit the foregoing basis to its Presbyteries, which shall be required to meet on or before the 15th day of October, 1869, to express their approval or disapproval of the same, by a categorical answer to the following question:

Do you approve of the reunion of the two bodies now claiming the name and rights of the Presbyterian Church in the United States of America, on the following basis, namely: "The reunion shall be effected on the doctrinal and ecclesiastical basis of our common Standards; the Scriptures of the Old and New Testaments shall be acknowledged to be the inspired Word of God, and the only infallible rule of faith and practice; the Confession of Faith shall continue to be sincerely received and adopted as containing the system of doctrine taught in the Holy Scriptures; and the Government and Discipline of the Presbyterian Church in the United States shall be approved as containing the principles and rules of our polity?"

Each Presbytery shall, before the 1st day of November, 1869, forward to the Stated Clerk of the General Assembly with which it is connected, a statement of its vote on the said Basis of Reunion.

4. The said General Assemblies now sitting shall, after finishing their business, adjourn, to meet in the city of Pittsburg, Pennsylvania, on the second Wednesday of November, 1869, at eleven o'clock A.M.

If the two General Assemblies shall then find and declare that the above-named Basis of Reunion has been approved by two-thirds of the Presbyteries connected with each branch of the Church, then the same shall be of binding force, and the two Assemblies shall take action accordingly.

5. The said General Assemblies shall then and there make provision for the meeting of the General Assembly of the United Church on the third Thursday of May, 1870. The Moderators of the two present Assemblies shall jointly preside at the said Assembly of 1870 until another Moderator is chosen. The Moderator of the Assembly now sitting at the Brick Church aforesaid, shall, if present, put all votes, and decide questions of order; and the Moderator of the other Assembly shall, if present, preach the opening sermon; and the Stated Clerks of the present Assemblies shall act as Stated Clerks of the Assembly of the united Church until a Stated Clerk or Clerks shall have been chosen thereby; and no Commissioner shall have a right to vote or deliberate in said Assembly until his name shall have been enrolled by the said Clerks, and his commission examined and filed among the papers of the Assembly.

6. Each Presbytery of the separate Churches shall be entitled to the same representation in the Assembly of the united Church in 1870 as it is entitled to in the Assembly with which it is now connected.

II. Concurrent Declarations of the General Assemblies of 1869.

As there are matters pertaining to the interests of the Church when it shall have become reunited, which will manifestly require adjustment on the coming together of two bodies which have so long acted separately, and concerning some of which matters it is highly desirable that there should be a previous good understanding, the two Assemblies agree to adopt the following declarations, not as articles of compact or covenant, but as in their judgment proper and equitable arrangements, to wit:

1. All the ministers and churches embraced in the two bodies should be admitted to the same standing in the united body, which they may have held in their respective connections, up to the consummation of the union.

2. Imperfectly organized churches are counseled and expected to become thoroughly Presbyterian, as early within the period of five years as may be permitted by the highest interests to be consulted; and no other such churches shall be hereafter received.

3. The boundaries of the several Presbyteries and Synods should be adjusted by the General Assembly of the united Church.

4. The official records of the two branches of the Church, for the period of separation, should be preserved and held as making up the one history of the Church; and no rule or precedent, which does not stand approved by both the bodies, should be of any authority, until reëstablished in the united body, except in so far as such rule or precedent may affect the rights of property founded thereon.

5. The corporate rights, now held by the two General Assemblies,

and by their Boards and Committees, should, as far as practicable, be consolidated, and applied for their several objects, as defined by law.

6. There should be one set of Committees or Boards for Home and Foreign Missions, and the other religious enterprises of the Church; which the churches should be encouraged to sustain, though free to cast their contributions into other channels, if they desire to do so.

7. As soon as practicable after the union shall have been effected, the General Assembly should reconstruct and consolidate the several Permanent Committees and Boards, which now belong to the two Assemblies, so as to represent, as far as possible, with impartiality, the views and wishes of the two bodies constituting the united Church.

8. The publications of the Board of Publication and of the Publication Committee should continue to be issued as at present, leaving it to the Board of Publication of the united Church to revise these issues, and perfect a catalogue for the united Church so as to exclude invidious references to past controversies.

9. In order to a uniform system of ecclesiastical supervision, those theological Seminaries that are now under Assembly control, may, if their Boards of Direction so elect, be transferred to the watch and care of one or more of the adjacent Synods; and the other seminaries are advised to introduce, as far as may be, into their Constitutions, the principle of Synodical or Assembly supervision; in which case they shall be entitled to an official recognition and approbation on the part of the General Assembly.

10. It should be regarded as the duty of all our judicatories, ministers, and people of the united Church, to study the things which make for peace, and to guard against all needless and offensive references to the causes that have divided us; and, in order to avoid the revival of past issues, by the continuance of any usage, in either branch of the Church that has grown out of former conflicts, it is earnestly recommended to the lower judicatories of the Church that they conform their practice in relation to all such usages, as far as is consistent with their convictions of duty, to the general custom of the Church prior to the controversies that resulted in the separation.

III. Recommendation of a Day of Prayer.

That the counsels of infinite Wisdom may guide our decisions, and the blessings of the great Head of the Church rest upon the result of our efforts for Reunion, it is earnestly recommended to the churches throughout both branches of the Presbyterian Church, that they observe the second Sabbath in September, 1869, as a day of fervent and united prayer to Almighty God, that he would grant unto us all "the spirit of counsel and might, the spirit of knowledge and of the fear of the Lord," and in the new relations now contemplated, enable us to "keep the unity of the Spirit in the bond of peace."

[The foregoing report was adopted by the Old School Assembly, by a vote of yeas 285, nays 9 (p. 914): by the New School Assembly unanimously (p. 275), when it was:]

a. *Resolved*, That in pursuance of the foregoing action of this General Assembly, the Basis of Reunion now adopted be sent down to the Presbyteries for their approval or disapproval, and each Presbytery is hereby required to meet on or before the 15th day of October, 1869, to express

its approval or disapproval of the same by a categorical answer to the following question:

Do you approve of the Reunion of the two bodies now claiming the name and rights of the Presbyterian Church in the United States of America, on the following basis, viz.: "The Reunion shall be effected on the doctrinal and ecclesiastical basis of our common Standards; the Scriptures of the Old and New Testaments shall be acknowledged to be the inspired Word of God, and the only infallible rule of faith and practice; the Confession of Faith shall continue to be sincerely received and adopted as containing the system of doctrine taught in the Holy Scriptures; and the Government and Discipline of the Presbyterian Church in the United States shall be approved as containing the principles and rules of our polity?"

Each Presbytery is also hereby required, before the first day of November, 1869, to forward to the Stated Clerk of this General Assembly a statement of its vote on the said Basis of Reunion.—1869, pp. 916, 917, O. S.

b. *Resolved*, That this Assembly does hereby submit to the Presbyteries in connection with it the Basis of Reunion adopted May 27, 1869; and that the Presbyteries be required to meet on before October 15, 1869, to express their approval or disapproval of the same by a categorical answer to the following question:

Do you approve of the Reunion of the two bodies now claiming the name and rights of the Presbyterian Church in the United States of America, on the following basis, namely: "The Reunion shall be effected on the doctrinal and ecclesiastical basis of our common Standards; the Scriptures of the Old and New Testaments shall be acknowledged to be the inspired Word of God, and the only infallible rule of faith and practice; the Confession of Faith shall continue to be sincerely received and adopted as containing the system of doctrines taught in the Holy Scriptures; and the Government and Discipline of the Presbyterian Church in the United States shall be approved as containing the principles and rules of our polity?"

Resolved, That each Presbytery shall, before the first day of November, 1869, forward to the Stated Clerk of the General Assembly a statement of its vote on the said Basis of Reunion.—1869, p. 283, N. S.

[In accordance with the plan adopted above, the two Assemblies adjourned to meet in Pittsburg, Pa., Nov. 10, A.D. 1869, at 11 o'clock A.M., the one in the First Church, the other in the Third Church.]

6. Adjourned meetings of the Assemblies at Pittsburg, 1869.

a. The report of the Stated Clerk of the Assembly, O. S., Rev. A. T. McGill, D.D., on the vote of the Presbyteries, was read and amended, so as simply to give the result of the vote, after which it was adopted, and is as follows:

The Presbyteries in connection with this General Assembly have all reported in writing, on the overture of Reunion, as ordered in the Brick Church, at New York, except the following eleven, viz., Austin, Corisco, Knox, Knoxville, Maury, Milwaukee, Ogdensburg, Shantung, Siam, Stockton and Western Africa. The Stated Clerk of the Sante Fé Presbytery has reported by letter that it is impossible for this Presbytery to have a meeting, in present circumstances. The Presbyteries of Allahabad and Canton, being unable to meet within the time specified,

have sent circulars, signed by a majority of each, to indicate the will of the Presbytery, in favor of Reunion, as now proposed; but these are not counted in declaring the result. Another Presbytery, Lahore, formed by the Synod of Northern India, in December last, but not regularly reported as yet, by any officer of that Synod, has sent its answer to this overture, in written form, and this has been counted, on the presumption that the Assembly will recognize, at this meeting, the existence of that Presbytery on the roll.

We have thus *one hundred and forty-four* Presbyteries. *One hundred and twenty-six* of these have answered the overture sent down affirmatively, in writing. *Three*, viz., Hudson, Rio de Janeiro, and West Lexington, have answered in the negative.

On motion it was ordered that the Stated Clerk admit to record the answer of the Presbytery of Lahore to the overture on Reunion.

The Assembly was, on motion, led in prayer by Rev. John Hall, D.D., in gratitude for the result of the negotiations on Reunion, and the doxology was sung.—1869, p. 1158, O. S.

b. The Stated Clerk presented the report of the Presbyteries on the overture for Reunion, as follows:

Report of the Stated Clerk of the General Assembly of the Presbyterian Church in the United States of America, N. S., on the answers of the Presbyteries to the overtures on the Reunion of the two Branches of the Church:

The number of Presbyteries connected with this General Assembly is one hundred and thirteen. Official responses have been received from every one of them. They have *all answered the overture in the affirmative.* In each of the Presbyteries of Albany, Wellsborough, and the District of Columbia a single negative vote was cast. In each of the remaining one hundred and ten Presbyteries the vote was *unanimous.*

EDWIN F. HATFIELD, *Stated Clerk.*

Pittsburg, Pa., November 10, 1869.

The Assembly united in prayer and thanksgiving to God for this auspicious result.—1869, p. 485, N. S.

7. Report of Joint Committee of Conference.

"The Joint Committee of Conference on Reunion" presented its report, which was adopted, and is as follows, viz.:

1. That each Assembly should declare the vote of the Presbyteries in the following language:

"This Assembly having received and examined the statements of the votes of the several Presbyteries, on the Basis of Reunion of the two bodies, now claiming the name and rights of the Presbyterian Church in the United States of America, which basis is in the words following, viz., 'The Reunion shall be effected on the doctrinal and ecclesiastical basis of our common Standards; the Scriptures of the Old and New Testaments shall be acknowledged to be the inspired Word of God, and the only infallible rule of faith and practice; the Confession of Faith shall continue to be sincerely received and adopted, as containing the system of doctrine taught in the Holy Scriptures, and the Government and Discipline of the Presbyterian Church in the United States shall be approved, as containing the principles and rules of our polity:' Does hereby find and declare that the said Basis of Reunion has been

approved by more than two-thirds of the Presbyteries connected with this Branch of the Church: and whereas the other Branch of the Presbyterian Church in the United States of America, now sitting in the Third [or, *the First*] Presbyterian Church in the city of Pittsburg, has reported to this Assembly that said basis has been approved by more than two-thirds of the Presbyteries connected with that Branch of the Church, now, therefore, we do solemnly declare that said Basis of Reunion is of binding force."

2. This Committee recommends that a Special Committee of five from each Branch of the Church, shall be appointed to take into consideration the affairs of each of the Boards and Committees of both Branches of the Church, and to recommend to the Assembly of the united Church, next to be held, what changes are required in said Boards and Committees.

3. That each Assembly shall also pass the following: WHEREAS, It is apparent, from the size of the two Assemblies, that some changes must be made in the present method of representation; therefore, *Resolved*, That each of the Assemblies of 1869 shall appoint a Committee of five, to constitute a joint Committee of ten, whose duty it shall be to prepare and propose to the General Assembly of the united Church a proper adjustment of the boundaries of the Presbyteries and Synods, and the ratio of representation, and any amendments of the Constitution which they may think necessary to secure efficiency and harmony in the administration of the Church, so greatly enlarged, and so rapidly extending.

4. That the Assemblies shall meet at 9 o'clock on Friday morning next, and that the vote of the Presbyteries be declared in each Assembly at 10 o'clock, and that each Assembly be then dissolved in the usual manner prescribed by the Form of Government. That each Assembly shall immediately repair to the Third Presbyterian Church, in this city, there to hold a joint meeting for prayer and praise; and that a joint communion service be held on the same day, at three o'clock in the afternoon.

That all business before each Assembly shall be concluded this (Thursday) evening, and no new business taken up thereafter.

5. That a Committee of Arrangements, consisting of two from each Church, be appointed to decide upon the form, manner and place of our public meeting, and to prepare a statement upon the subject of raising funds for the use of the Church, which shall be read to said meeting. It is proposed that the Rev. A. G. Hall, D.D., Robert Carter, Esq., Rev. S. W. Fisher, D.D., and William E. Dodge, Esq., be appointed said Committee.

6. That the first meeting of the General Assembly of the united Church be held in the First Presbyterian Church in the city of Philadelphia, on the third Thursday of May, A.D. 1870, at 11 o'clock A.M.

—1869, pp. 1159, 1160, O. S.
—1869, pp. 495, 496, N. S.

8. Basis and Consummation of the Reunion.

The declaration was adopted unanimously in both Assemblies, by a rising vote, as follows, viz.:

This Assembly having received and examined the statement of the votes of the several Presbyteries on the Basis of the Reunion of the two bodies now claiming the name and the right of the Presbyterian Church in the United States of America, which basis is in the words following, namely: "The Union shall be effected on the doctrinal and

ecclesiastical basis of our common Standards; the Scriptures of the Old and New Testaments shall be acknowledged to be the inspired Word of God, and the only infallible rule of faith and practice; the Confession of Faith shall continue to be sincerely received and adopted as containing the system of doctrine taught in the Holy Scriptures; and the Government and Discipline of the Presbyterian Church in the United States shall be approved as containing the principles and rules of our polity:" Does hereby find and declare that said Basis of Union has been approved by more than two-thirds of the Presbyteries connected with this Branch of the Church—and whereas the other Branch of the Presbyterian Church in the United States, now sitting in the Third [or, *the First*] Presbyterian Church in the city of Pittsburg, has reported to this Assembly that said basis has been approved by more than two-thirds of the Presbyteries connected with that Branch of the Church:

NOW THEREFORE WE DO SOLEMNLY DECLARE THAT SAID BASIS OF REUNION IS OF BINDING FORCE.

—1869, p. 1163, O. S.
—1869, p. 500, N. S.

9. The Reunion Convention.

PITTSBURG, PA., Friday, November 12, 1869.

The two General Assemblies of the Presbyterian Church, meeting respectively in the First and Third Churches of Pittsburg, Pa., having both been in due form dissolved on Friday, November 12, 1869, at 10 o'clock A.M., a JOINT CONVENTION, in accordance with previous mutual agreement, was held immediately after in the Third Church.

The members of the late N. S. Assembly, preceded by their Moderator, Clerks, and Reunion Committee, formed in order, two by two, and proceeded from the Third Church down Sixth avenue to Wood street, and took position on the west side of the street, opposite the First Church. At the same time, the members of the late O. S. Assembly, preceded in like manner by their Moderator, Clerks and Reunion Committee, came forth from the First Church and took position on the east side of the street, directly opposite the other column, the head of each line looking south toward Fifth avenue.

The following gentlemen had been appointed and consented to serve as marshals of the day: Gen. J. K. Morehead, and Messrs. John D. McCord, William Rea and George H. Stuart.

The signal for the march having been given, the two Moderators met in the middle of the street, shook hands, and joined arms; as was done also by the Stated Clerks, the Permanent and Temporary Clerks, the two Reunion Committees, and the remainder of the two columns—the joint procession meanwhile marching forward two by two, Old and New School interlocked along the whole line, down Wood street and up Fifth avenue, Smithfield street, and Sixth avenue (the whole distance attended by a rejoicing crowd of people), to the Third Church.

As the procession entered by the right middle aisle, Wesley's noble hymn,

"Blow ye the trumpet, blow," etc.,

was sung by the choir and the ladies, who had been previously admitted to seats assigned them. The greater part of the procession found seats on the immense platform occupying the southern end of the great church, the remainder occupying the pews in front of the platform; after

which the doors were opened and the house was immediately thronged to its utmost capacity.

The services commenced at 11 o'clock A.M., and were continued with unwearied interest for more than three hours. Addresses were made by the Moderators and others, both ministers and elders, previously designated, intermingled with prayer and songs of devout praise and thanksgiving.

The following preamble and resolutions, reported in behalf of the Committee of Arrangements, by the Rev. S. W. Fisher, D.D., LL.D., were passed unanimously:

PREAMBLE AND RESOLUTIONS ADOPTED IN JOINT CONVENTION BY THE MEMBERS OF THE TWO ASSEMBLIES—NOVEMBER 12, 1869.

In the Providence of God, the two Branches of the Presbyterian Church in the United States of America, after a separation of more than thirty years, are again united. This event, in its magnitude, is unparalleled in the ecclesiastical history of this country and almost of the world. It evidences to all men the presence and unifying power of the divine Spirit. A fact so remarkable and significant attracts interest and creates expectation among even worldly minds. It awakens the sympathies and the hopes of all who truly love Christ among other denominations. It awakens hope since it illustrates the evident purpose of God to bring all His followers into closer union in spirit, combine them in action for the overthrow of error and the diffusion of His truth; it awakens expectation, since they justly anticipate, on our part, from this union of resources, spirit and action, a far more vigorous assault upon the forces of darkness and more decided efforts to spread the Gospel among all classes in our own and other lands.

To us, as a Church, it is an era in our history most memorable and hopeful; memorable, as it signalizes the triumph of faith and love over the strifes and jealousies of more than a quarter of a century; hopeful, since it is not the result of decadence and torpor, but of progress and augmented strength. It buries the suspicions and the rivalries of the past, with the sad necessity of magnifying our differences in order to justify our separation. It banishes the spirit of division, the natural foe of true progress. In this union are seen the outflashing of a divine purpose to lead us on to greater self-sacrifice, and a more entire consecration to the evangelization of the world. God has elevated us to this commanding position, that we may see His glory, and in the strengthened faith it inspires devote our united resources more directly and efficiently to the salvation of men. New and grander responsibilities rest upon us. Jesus summons us to a holier faith and more perfect consecration. He summons this Church to answer His loving-kindness by deeds commensurate with our renewed resources. The times are auspicious; everywhere peace reigns; the gates are open, and the millions of our own and other lands wait for the Gospel. Our position is commanding; our resources great; our methods of action well settled, simple and efficient. The Spirit of God that has united us will inspire, direct and bless our efforts. While we maintain the faith which Paul so fully unfolded, and our Church, in the centuries past, has, through manifold persecution and martyrdom, so gloriously upheld, we are summoned, as by the will of God, to arise and build, to form new, broader and bolder plans for the extension of Christ's kingdom, and to enter upon and execute them with apostolic enthusiasm.

Let us, then, the ministers, elders and members of this Church here assembled, as, in spirit, standing in the presence of and representing the entire body of believers in our connection, and the beloved missionaries in foreign lands who now await, with tender and prayerful interest, this consummation of our union—let us, in humble dependence upon our dear Redeemer, with deep humility in view of our past inefficiency and present unworthiness, and as an expression of our devout gratitude to Him who has brought this once dissevered, now united Church up to this *Mount of Transfiguration*, signalize this most blessed and joyous *union* with an offering in some good degree commensurate with the abundant pecuniary gifts that He has bestowed on us. And to this end be it

Resolved, That it is incumbent on the Presbyterian Church in the United States of America, one in organization, one in faith, and one in effort, to make a SPECIAL OFFERING, to the treasury of the Lord, of FIVE MILLIONS OF DOLLARS: and we pledge ourselves, first of all, to seek in our daily petitions the blessing of God to make this resolution effectual; and second, that we will, with untiring perseverance and personal effort, endeavor to animate the whole Church with the purpose to secure the accomplishment of this great work before the third Thursday of May, 1871.

Resolved, further, That the Stated Clerks of the Assemblies of 1869 be requested to publish this paper, with the names of the Moderators, Clerks and Joint Committee on Reunion, and the Commissioners now in attendance appended thereto.

At 3½ o'clock P.M., the Convention united in the celebration of the Lord's Supper at the First Presbyterian Church, which also was thronged in every part.

—1869, pp. 502–504, N. S.
—1869, pp. 1165–1167, O. S.

10. Memorial Contribution.

[NOTE.—The Memorial Fund Committee, Winthrop S. Gilman, Esq , Chairman, and F. F. Ellinwood, D.D., LL.D., Secretary, reported to the Assembly of 1872 that the sum total of all contributions reported were $7,607,499.91. See further, *Digest* of 1886, pp. 99–106.]

11. Quarter-Centenary of Reunion.

[NOTE.—The One Hundred and Seventh General Assembly celebrated at Pittsburg, Pa., May 23, 1895, the Twenty-fifth Anniversary of the Reunion of the Old and New School Churches. From 1869 to 1894, the membership of the Church increased from 446,561 to 895,997, an increase of more than one hundred per cent.; and the Sabbath-school membership grew from 448,857 to 951,199, an increase of one hundred and twelve per cent. The total contributions for these twenty-five years to the Missionary and Benevolent Boards amounted to $47,306,426; to miscellaneous benevolent causes outside of the Boards, $24,280,002 were given, and for congregational support there was collected $192,044,780, making a grand total of $263,631,208, or an average of $10,500,000 per annum.

During this same period also there were added to the Church more than one million members on profession of their faith.

A public meeting was held at the Third Presbyterian Church on the evening of May 23, at which addresses were delivered by the Rev. Francis L. Patton, D.D., LL.D., Rev. Henry M. Booth, D.D., LL.D., and Rev. William Henry Roberts, D.D. LL.D.

In view of the blessings, spiritual and financial, attending Reunion, the Assembly, on May 24, by a unanimous rising vote, determined to mark the milestone, so auspiciously passed, by an effort to raise a Quarter-Century Anniversary Reunion Fund.

Of the Committee of thirty appointed for the raising of this Fund, Rev. W. L. McEwan, D.D., was the Chairman, and Rev. W. H. Roberts, D.D., Treasurer. The sum raised was about $384,000, and was used mainly in liquidating the debts of the Boards of Home and Foreign Missions.—See *Minutes*, 1895, pp. 97, 105, 119, and 1896, pp. 108–113.]

PART II.

THE CONFESSION OF FAITH.

CHAPTER I.

OF THE HOLY SCRIPTURE.

I. Although the light of nature, and the works of creation and providence, do so far manifest the goodness, wisdom, and power of God, as to leave men inexcusable; yet they are not sufficient to give that knowledge of God and of His will, which is necessary unto salvation; therefore it pleased the Lord, at sundry times, and in divers manners, to reveal Himself, and to declare that His will unto His Church; and afterwards, for the better preserving and propagating of the truth, and for the more sure establishment and comfort of the Church against the corruption of the flesh, and the malice of Satan and of the world, to commit the same wholly unto writing: which maketh the Holy Scripture to be most necessary; those former ways of God's revealing His will unto His people being now ceased.

II. Under the name of Holy Scripture, or the Word of God written, are now contained all the books of the Old and New Testaments, which are these:

OF THE OLD TESTAMENT.

Genesis.
Exodus.
Leviticus.
Numbers.
Deuteronomy.
Joshua.
Judges.
Ruth.
I Samuel.
II Samuel.
I Kings.
II Kings.
I Chronicles.
II Chronicles.
Ezra.
Nehemiah.
Esther.
Job.
Psalms.
Proverbs.
Ecclesiastes.
The Song of Songs.
Isaiah.
Jeremiah.
Lamentations.
Ezekiel.
Daniel.
Hosea.
Joel.
Amos.
Obadiah.
Jonah.
Micah.
Nahum.
Habakkuk.
Zephaniah.
Haggai.
Zechariah.
Malachi.

OF THE NEW TESTAMENT.

The Gospels according to Matthew.
Mark.
Luke.
John.
The Acts of the Apostles.
Paul's Epistles to the Romans.
Corinthians, I.
Corinthians, II.
Galatians.
Ephesians.
Philippians.
Colossians.
Thessalonians, I.
Thessalonians, II.
To Timothy, I.
To Timothy, II.
To Titus.
To Philemon.
The Epistle to the Hebrews.
The Epistle of James.
The first and second Epistles of Peter.
The first, second and third Epistles of John.
The Epistle of Jude.
The Revelation.

All which are given by inspiration of God, to be the rule of faith and life.

1. Deliverance on the so-called Higher Criticism.

The Special Committee to whom certain overtures were referred on the so-called "Higher Criticism" presented their report, which was adopted, and is as follows:

Overtures from the Presbyteries of Ebenezer, Jersey City, Louisville, Morris and Orange, and St. Louis, requesting the Assembly to make a deliverance by which pastors and teachers should be cautioned against the false teaching which is commonly known by the name of the "Higher Criticism," having been referred to this Committee, we hereby respectfully report the following deliverance:

The General Assembly feels constrained to express itself clearly and decidedly on the rationalistic treatment of the Holy Scriptures by Protestant teachers in Europe whose works are introduced into our country, and whose evil influence is felt in our Church. Our Confession of Faith (Chap. i, Sec. ii), after giving the names of the books of the Old and New Testaments, adds, "all which are given by inspiration of God to be the rule of faith and life." The denial of the authenticity or truthfulness of the Holy Scriptures is a denial of their inspiration; and any teaching that suggests such denial should be not only carefully avoided, but studiously repelled. The Assembly would not discourage the full use of all light in critical study; nor does it assume that any erroneous teaching is welcomed or offered within the bounds of the Church; but it would warn all pastors and teachers of the danger to young and inexperienced minds in the free use of crude theories and unproved speculations on the part of religious instructors, and would remind them of the paramount importance of sustaining in positive doctrine the authenticity, integrity, truthfulness and inspiration of the Holy Scriptures, against the unsanctified learning by which an unbelieving world, through nominally Christian channels, assaults the Church of God.

The Assembly would also remind the Presbyteries of their special responsibility as guardians of the faith, and that, in view of the apprehensions excited throughout the Church by the rationalistic handling of the Word of God, it is incumbent upon them to see to it that the appropriate constitutional action be taken if at any time it should become manifest that any minister of our Church was promulgating theories of dangerous tendency or contra-confessional doctrine concerning the Holy Scriptures.—1883, pp. 631, 632.

2. The inspired Word, as it came from God, is without error.

Overture from the Presbytery of Chester, and overture from the Presbytery of Genesee, asking the General Assembly, in view of certain publications during the past year, to make a deliverance concerning subscription to the Standards of the Church which our ministers and elders make at their ordination.

The Committee recommend the following:

The General Assembly would remind all under its care that it is a fundamental doctrine that the Old and New Testaments are the inspired and infallible Word of God. Our Church holds that the inspired Word, as it came from God, is without error. The assertion of the contrary cannot but shake the confidence of the people in the sacred books. All who enter office in our Church solemnly profess to receive them as the only infallible rule of faith and practice. If they change

their belief on this point, Christian honor demands that they should withdraw from our ministry. They have no right to use the pulpit or the chair of the professor for the dissemination of their errors until they are dealt with by the slow process of discipline. But if any do so act, their Presbytery should speedily interpose, and deal with them for violation of ordination vows. The vow taken at the beginning is obligatory until the party taking it is honorably and properly released. The General Assembly enjoins upon all ministers, elders and Presbyteries, to be faithful to the duty here imposed.—1892, pp. 179, 180.

3. Case of the Rev. Charles A. Briggs, D.D.

a. *Preliminary Note.*

January 20, 1891, the Rev. Charles A. Briggs, D.D., LL.D., a member of the Presbytery of New York, delivered an inaugural address on the occasion of his induction as Professor of Biblical Theology in Union Theological Seminary. This address was brought to the attention of the Presbytery of New York. A Committee of Investigation was appointed April 13, 1891, and on its report a Committee of Prosecution was appointed May 11, 1891.

Charges and specifications were duly tabled, citations were issued to the parties and the case was heard at a meeting of the Presbytery held November 4, 1891.

At this meeting the accused appeared and presented his objections to the sufficiency of the charges and specifications in form and legal effect.

The Presbytery then entered on its record its decision and final judgment, dismissing the case in the following words:

"*Resolved*, That the Presbytery of New York, having listened to the paper of the Rev. Charles A. Briggs, D.D., in the case of the Presbyterian Church in the United States of America against him as to the sufficiency of the charges and specifications in form and legal effect; and, without approving of the positions stated in his Inaugural Address, at the same time desiring earnestly the peace and quiet of the Church, and in view of the declarations made by Dr. Briggs touching his loyalty to the Holy Scriptures and the Westminster Standards, and of his disclaimers of interpretations put on some of his words, deem it best to dismiss the case, and it does so dismiss it."

From this action of the Presbytery of New York, dismissing the case, the Prosecuting Committee took an appeal in the name of the Presbyterian Church in the United States of America. See for the Appeal, *Minutes*, 1892, pp. 232-241, Appendix.

This Appeal was presented to the General Assembly in session at Portland, Oreg., May, 1892, and found in order (1892, p. 9). After full argument the Appeal was sustained (1892, p. 141) and judgment was rendered as follows:]

b. *Action of the Assembly of 1892.*

The General Assembly having, on the 28th day of May, 1892, duly sustained all the specifications of error alleged and set forth in the appeal and specifications in this case.

It is now, May 30, 1892, ordered, that the judgment of the Presbytery of New York, entered November 4, 1891, dismissing the case of the Presbyterian Church in the United States of America against Rev. Charles A. Briggs, D.D., be, and the same is hereby, reversed. And the case is remanded to the Presbytery of New York for a new trial, with directions to the said Presbytery to proceed to pass upon and determine the sufficiency of the charges and specifications in form and legal effect, and to permit the Prosecuting Committee to amend the specifications or charges, not changing the general nature of the same, if, in the furtherance of justice, it be necessary to amend, so that the case may be brought to issue and tried on the merits thereof as speedily as may be practicable.

And it is further ordered, that the Stated Clerk of the General Assembly return the record, and certify the proceedings had thereon with the necessary papers relating thereto, to the Presbytery of New York.—1892, p. 152.

c. *The Charges passed upon by the Presbytery of New York, 1893.*

In obedience to this mandate of the General Assembly, the Presbytery of New York, sitting in a judicial capacity, January 9, 1893, passed upon the amended Charges and Specifications, which are:

Charge I.

The Presbyterian Church in the United States of America charges the Rev. Charles A. Briggs, D.D., being a minister of the said Church, and a member of the Presbytery of New York, with teaching that the Reason is a fountain of divine authority which may and does savingly enlighten men, even such men as reject the Scriptures as the authoritative proclamation of the will of God, and reject also the way of salvation through the mediation and sacrifice of the Son of God as revealed therein; which is contrary to the essential doctrine of the Holy Scripture and of the Standards of the said Church, that the Holy Scripture is most necessary, and the rule of faith and practice.

Specification I.—In an Inaugural Address, which the said Rev. Charles A. Briggs, D.D., delivered at the Union Theological Seminary in the City of New York, January 20, 1891, on the occasion of his induction into the Edward Robinson Chair of Biblical Theology, which Address has been published and extensively circulated with the knowledge and approval of the said Rev. Charles A. Briggs, D.D., and has been republished by him in a second edition with a preface and an appendix, there occur the following sentences:

Page 24, lines 7–10 and 31–33: "Divine authority is the only authority to which man can yield implicit obedience, on which he can rest in loving certainty and build with joyous confidence. . . . . There are historically three great fountains of divine authority—the Bible, the Church and the Reason."

Page 27, lines 9–21: "Martineau could not find divine authority in the Church or the Bible, but he did find God enthroned in his own soul. There are those who would refuse these rationalists a place in the company of the faithful. But they forget that the essential thing is to find God and divine certainty, and if these men have found God without the mediation of Church and Bible, Church and Bible are means and not ends; they are avenues to God, but are not God. We regret that these rationalists depreciate the means of grace so essential to most of us, but we are warned lest we commit a similar error, and depreciate the Reason and the Christian consciousness."

Inaugural Address, Appendix, Second Edition, pp. 88, 89:

"(c) Unless God's authority is discerned in the forms of the Reason, there is no ground upon which any of the heathen could ever have been saved, for they know nothing of Bible or Church. If they are not savingly enlightened by the Light of the World in the forms of the Reason the whole heathen world is lost forever."

Specification II.—In an Inaugural Address, which the said Rev. Charles A. Briggs, D.D., delivered at the Union Theological Seminary in the City of New York, January 20, 1891, on the occasion of his induction into the Edward Robinson Chair of Biblical Theology, which Address has been published and extensively circulated with the knowledge and approval of the said Rev. Charles A. Briggs, D.D., and has been repub-

lished by him in a second edition with a preface and an appendix, there occur the following sentences:

Page 28, lines 1–22: "(3) *The Authority of Holy Scripture.*—We have examined the Church and the Reason as seats of divine authority in an introduction to our theme, *The Authority of the Scriptures*, because they open our eyes to see mistakes that are common to the three departments. Protestant Christianity builds its faith and life on the divine authority contained in the Scriptures, and too often depreciates the Church and the Reason. Spurgeon is an example of the average modern Evangelical, who holds the Protestant position, and assails the Church and Reason in the interest of the authority of Scripture. But the average opinion of the Christian world would not assign him a higher place in the kingdom of God than Martineau or Newman. May we not conclude, on the whole, that these three representative Christians of our time, living in or near the world's metropolis, have, each in his way, found God and rested on divine authority? May we not learn from them not to depreciate any of the means whereby God makes himself known to men? Men are influenced by their temperaments and environments which of the three ways of access to God they may pursue."

These declarations are contrary to Scripture: Isa. viii. 20; Matt. x. 32, 33; Luke xvi. 29–31; John v. 39; John xiv. 6; 1 John v. 10; Gal. i. 9; 2 Tim. iii. 15–17; 2 Peter i. 19–21.

These declarations are contrary to the Standards: Confession of Faith, Chap. i, Secs. i, v, vi, x; Larger Catechism, questions 2, 3; Shorter Catechism, question 2.

Charge II.

The Presbyterian Church in the United States of America charges the Rev. Charles A. Briggs, D.D., being a minister of the said Church and a member of the Presbytery of New York, with teaching that the Church is a fountain of divine authority, which, apart from the Holy Scripture, may and does savingly enlighten men; which is contrary to the essential doctrine of the Holy Scripture and of the Standards of the said Church, that the Holy Scripture is most necessary and the rule of faith and practice.

Specification I.—In an Inaugural Address, which the said Rev. Charles A. Briggs, D.D., delivered at the Union Theological Seminary in the City of New York, January 20, 1891, on the occasion of his induction into the Edward Robinson Chair of Biblical Theology, which Address has been published and extensively circulated with the knowledge and approval of the said Rev. Charles A. Briggs, D.D., and has been republished by him in a second edition with a preface and an appendix, there occur the following sentences:

Page 24, lines 7–10 and 31–33: "Divine authority is the only authority to which man can yield implicit obedience, on which he can rest in loving certainty and build with joyous confidence. . . . . There are historically three great fountains of divine authority—the Bible, the Church and the Reason."

Page 25, lines 1–14 inclusive: "(1) *The Authority of the Church.*—The majority of Christians from the apostolic age have found God through the Church. Martyrs and Saints, Fathers and Schoolmen, the profoundest intellects, the saintliest lives, have had this experience. Institutional Christianity has been to them the presence-chamber of God.

They have therein and thereby entered into communion with all saints. It is difficult for many Protestants to regard this experience as any other than pious illusion and delusion. But what shall we say of a modern like Newman, who could not reach certainty, striving never so hard, through the Bible or the Reason, but who did find divine authority in the institutions of the Church ?''

Specification II.—In an Inaugural Address, which the said Rev. Charles A. Briggs, D.D., delivered at the Union Theological Seminary in the City of New York, January 20, 1891, on the occasion of his induction into the Edward Robinson Chair of Biblical Theology, which Address has been published and extensively circulated with the knowledge and approval of the said Rev. Charles A. Briggs, D.D., and has been republished by him in a second edition with a preface and an appendix, there occur the following sentences:

Page 28, lines 1–22, are: " (3) *The Authority of Holy Scripture.*—We have examined the Church and the Reason as seats of divine authority in an introduction to our theme, *The Authority of the Scriptures*, because they open our eyes to see mistakes that are common to the three departments. Protestant Christianity builds its faith and life on the divine authority contained in the Scriptures, and too often depreciates the Church and the Reason. Spurgeon is an example of the average modern Evangelical, who holds the Protestant position, and assails the Church and Reason in the interest of the authority of Scripture. But the average opinion of the Christian world would not assign him a higher place in the kingdom of God than Martineau or Newman. May we not conclude, on the whole, that these three representative Christians of our time, living in or near the world's metropolis, have, each in his way, found God and rested on divine authority ? May we not learn from them not to depreciate any of the means whereby God makes himself known to men ? Men are influenced by their temperaments and environments which of the three ways of access to God they may pursue.''

These declarations are contrary to the Holy Scripture: Isa. viii. 20; Matt. x. 32, 33; Luke xvi. 29–31; John v. 39; John xiv. 6; 1 John v. 10; Gal. i. 9; 2 Tim. iii. 15–17; 2 Peter i. 19–21.

These declarations are contrary to the Standards: Confession of Faith, Chap. i, Secs. i, v, vi, x; Larger Catechism, questions 2, 3; Shorter Catechism, question 2.

Charge III.

The Presbyterian Church in the United States of America charges the Rev. Charles A. Briggs, D.D., being a minister of the said Church and a member of the Presbytery of New York, with teaching that errors may have existed in the original text of the Holy Scripture, as it came from its authors, which is contrary to the essential doctrine taught in the Holy Scripture and in the Standards of the said Church, that the Holy Scripture is the Word of God written, immediately inspired, and the rule of faith and practice.

Specification.—In an Inaugural Address, which the said Rev. Charles A. Briggs, D.D., delivered at the Union Theological Seminary in the City of New York, January 20, 1891, on the occasion of his induction into the Edward Robinson Chair of Biblical Theology, which Address has been published and extensively circulated with the knowledge and approval of the said Rev. Charles A. Briggs, D.D., and has been repub-

lished by him in a second edition with a preface and an appendix, there occur the following sentences, beginning with line 4 of p. 35:

"I shall venture to affirm that, so far as I can see, there are errors in the Scriptures, that no one has been able to explain away; and the theory that they were not in the original text is sheer assumption, upon which no mind can rest with certainty. If such errors destroy the authority of the Bible, it is already destroyed for historians. Men cannot shut their eyes to truth and fact. But on what authority do these theologians drive men from the Bible by this theory of inerrancy? The Bible itself nowhere makes this claim. The creeds of the Church nowhere sanction it. It is a ghost of modern evangelicalism to frighten children. The Bible has maintained its authority with the best scholars of our time, who with open minds have been willing to recognize any error that might be pointed out by Historical Criticism; for these errors are all in the circumstantials and not in the essentials; they are in the human setting, not in the precious jewel itself; they are found in that section of the Bible that theologians commonly account for from the providential superintendence of the mind of the author, as distinguished from divine revelation itself. It may be that this providential superintendence gives infallible guidance in every particular; and it may be that it differs but little, if at all, from the providential superintendence of the fathers and schoolmen and theologians of the Christian Church. It is not important for our purpose that we should decide this question. If we should abandon the whole field of providential superintendence so far as inspiration and divine authority are concerned and limit divine inspiration and authority to the essential contents of the Bible, to its religion, faith and morals, we would still have ample room to seek divine authority where alone it is essential, or even important, in the teaching that guides our devotions, our thinking, and our conduct."

These declarations are contrary to the statements of Scripture: Zech. vii. 12; Mark vii. 13; Romans iii. 1, 2; 1 Cor. ii. 13; Gal. iii. 8; 2 Peter i. 20, 21; 2 Tim. iii. xvi.

These statements are contrary to the Standards: Confession of Faith, Chap. i, Secs. i, ii, iv, viii.

Charge IV.

[Note.—This charge was stricken out by the Presbytery of New York. The Assembly declared that the Presbytery erred in so doing, but did not sit in judgment upon the charge. It is printed here, without the specification, for information.]

The Presbyterian Church in the United States of America charges the Rev. Charles A. Briggs, D.D., being a minister in said Church and a member of the Presbytery of New York, with teaching that many of the Old Testament predictions have been reversed by history, and that the great body of Messianic prediction has not been and cannot be fulfilled, which is contrary to the essential doctrine of Holy Scripture and of the Standards of the said Church, that God is true, omniscient and unchangeable.

Charge V.

The Presbyterian Church in the United States of America charges the Rev. Charles A. Briggs, D.D., being a minister of the said Church, and a member of the Presbytery of New York, with teaching that Moses is not the author of the Pentateuch, which is contrary to direct statements

of Holy Scripture and to the essential doctrines of the Standards of the said Church, that the Holy Scripture evidences itself to be the Word of God by the consent of all the parts, and that the infallible rule of interpretation of Scripture is the Scripture itself.

Specification.—In an Inaugural Address, which the said Rev. Charles A. Briggs, D.D., delivered at the Union Theological Seminary in the City of New York, January 20, 1891, on the occasion of his induction into the Edward Robinson Chair of Biblical Theology, which Address has been published and extensively circulated with the knowledge and approval of the said Rev. Charles A. Briggs, D.D., and has been republished by him in a second edition with a preface and an appendix, there occurs the following sentence:

Page 33, lines 6–8: "It may be regarded as the certain result of the science of the Higher Criticism that Moses did not write the Pentateuch."

This declaration is contrary to direct statements of Scripture: Ex. xxiv. 4; Num. xxxiii. 2; Deut. v. 31; Deut. xxxi. 9; Josh. i. 7, 8; 1 Kings ii. 3; 1 Chron. vi. 49; Ezra iii. 2; Ezra vi. 18; Neh. i. 7; Luke xxiv. 27, 44; John v. 45–47; Acts vii. 38; Acts xv. 21.

This declaration is contrary to the Standards: Confession of Faith, Chap. i, Secs. v and ix.

Charge VI.

The Presbyterian Church in the United States of America charges the Rev. Charles A. Briggs, D.D., being a minister of the said Church and a member of the Presbytery of New York, with teaching that Isaiah is not the author of half of the book that bears his name, which is contrary to direct statements of Holy Scripture and to the essential doctrines of the Standards of the said Church that the Holy Scripture evidences itself to be the Word of God by the consent of all the parts, and that the infallible rule of interpretation of Scripture is the Scripture itself.

Specification.—In an Inaugural Address which the said Rev. Charles A. Briggs, D.D., delivered at the Union Theological Seminary in the City of New York, January 20, 1891, on the occasion of his induction into the Edward Robinson Chair of Biblical Theology, which Address has been published and extensively circulated with the knowledge and approval of the said Rev. Charles A. Briggs, D.D., and has been republished by him in a second edition with a preface and an appendix, there occurs the following sentence:

Page 33, lines 14, 15: "Isaiah did not write half of the book that bears his name."

This declaration is contrary to direct statements of Scripture: Matt. iv. 14, 15; Matt. xii. 17, 18; Luke iii. 4; Acts xxviii. 25, 26; John xii. 38, 41; Rom. x. 16, 20.

This declaration is contrary to the Standards: Confession of Faith, Chap. i, Secs. v and ix.

Charge VII.

[Note.—This charge was stricken out by the Presbytery of New York. The Assembly declared that the Presbytery erred in so doing, but did not sit in judgment upon the charge. The charge is printed here for information.]

The Presbyterian Church in the United States of America charges the Rev. Charles A. Briggs, D.D., being a minister of said Church and a member of the Presbytery of New York, with teaching that the pro-

cesses of redemption extend to the world to come in the case of many who die in sin; which is contrary to the essential doctrine of Holy Scripture and the Standards of the said Church, that the processes of redemption are limited to this world.

CHARGE VIII.

The Presbyterian Church in the United States of America charges the Rev. Charles A. Briggs, D.D., being a minister of the said Church and a member of the Presbytery of New York, with teaching that sanctification is not complete at death, which is contrary to the essential doctrine of Holy Scripture and of the Standards of the said Church that the souls of believers are at their death at once made perfect in holiness.

Specification.—In an Inaugural Address, which the said Rev. Charles A. Briggs, D.D., delivered at the Union Theological Seminary, in the City of New York, January 20, 1891, on the occasion of his induction into the Edward Robinson Chair of Biblical Theology, which Address has been published and extensively circulated with the knowledge and approval of the said Rev. Charles A. Briggs, D.D., and has been republished by him in a second edition with a preface and an appendix, there occur the following sentences:

Pages 53, 54, 55:

"(c) Another fault of Protestant theology is in its limitation of the process of redemption to this world, and its neglect of those vast periods of time which have elapsed for most men in the Middle State between death and the resurrection. The Roman Catholic Church is firmer here, though it smears the Biblical doctrine with not a few hurtful errors. The reaction against this limitation, as seen in the theory of second probation, is not surprising. I do not find this doctrine in the Bible, but I do find in the Bible the doctrine of a Middle State of conscious higher life in the communion with Christ and the multitude of the departed of all ages; and of the necessity of entire sanctification, in order that the work of redemption may be completed. There is no authority in the Scriptures, or in the creeds of Christendom, for the doctrine of immediate sanctification at death. The only sanctification known to experience, to Christian orthodoxy, and to the Bible, is progressive sanctification. Progressive sanctification after death is the doctrine of the Bible and the Church; and it is of vast importance in our times that we should understand it, and live in accordance with it. The bugbear of a judgment immediately after death, and the illusion of a magical transformation in the dying hour, should be banished from the world. They are conceits derived from the ethnic religions, and without basis in the Bible or Christian experience as expressed in the symbols of the Church. The former makes death a terror to the best of men, the latter makes human life and experience of no effect; and both cut the nerves of Christian activity and striving after sanctification. Renouncing them as hurtful, unchristian errors, we look with hope and joy for the continuation of the processes of grace, and the wonders of redemption in the company of the blessed, to which the faithful are all hastening."

Inaugural Address, Appendix, 2d ed., pages 107, 108: "Sanctification has two sides—a negative and a positive—mortification and vivification; the former is manward, the latter is Godward. Believers who enter the Middle State enter guiltless; they are pardoned and justified; they are

mantled in the blood and righteousness of Christ; and nothing will be able to separate them from His love. They are also delivered from all temptations such as spring from without, from the world and the devil. They are encircled with influences for good such as they have never enjoyed before. But they are still the same persons, with all the gifts and graces, and also the same habits of mind, disposition and temper they had when they left the world. Death destroys the body. It does not change the moral and religious nature of man. It is unpsychological and unethical to suppose that the character of the disembodied spirit will all be changed in the moment of death. It is the Manichean heresy to hold that sin belongs to the physical organization and is laid aside with the body. If this were so, how can any of our race carry their evil natures with them into the Middle State and incur the punishment of their sins? The eternal punishment of a man whose evil nature has been stripped from him by death and left in the grave is an absurdity. The Plymouth Brethren hold that there are two natures in the redeemed —the old man and the new. In accordance with such a theory, the old man might be cast off at death. But this is only a more subtle kind of Manicheism, which has ever been regarded as heretical. Sin, as our Saviour teaches, has its source in the heart—in the higher and immortal part of man. It is the work of sanctification to overcome sin in the higher nature."

These declarations are contrary to Scripture: 1 Cor. xv. 51, 52; Heb. xii. 23.

These declarations are contrary to the Standards: Confession of Faith, Chap. xxxii, Sec. i; Larger Catechism, question 86; Shorter Catechism, question 37.

d. *Decision and final judgment of the Presbytery of New York, 1893.*

The Presbytery of New York, sitting in a judicial capacity, January 9, 1893, made and entered on its record its decision and final judgment in the above case, in the following words, viz.:

"The case of the Presbyterian Church in the United States of America against the Rev. Charles A. Briggs, D.D., having been dismissed by the Presbytery of New York on November 4, 1891, was remanded by the General Assembly of 1892 to the same Presbytery, with instructions that 'it be brought to issue and tried on the merits thereof as speedily as possible.'

"In obedience to this mandate, the Presbytery of New York has tried the case. It has listened to the evidence and argument of the Committee of Prosecution, acting in fidelity to the duty committed to them. It has heard the defense and evidence of the Rev. Charles A. Briggs, presented in accordance with the rights secured to every minister of the Church.

"The Presbytery has kept in mind these established principles of our polity, 'that no man can rightly be convicted of heresy by inference or implication;' that 'in the interpretation of ambiguous expressions candor requires that a court should favor the accused by putting upon his words the more favorable rather than the less favorable construction,' and 'there are truths and forms with respect to which men of good character may differ.'

"Giving due consideration to the defendant's explanation of the language used in his Inaugural Address, accepting his frank and full

disclaimer of the interpretation which has been put upon some of its phrases and illustrations, crediting his affirmations of loyalty to the Standards of the Church and to the Holy Scriptures as the only infallible rule of faith and practice, the Presbytery does not find that he has transgressed the limits of liberty allowed under our Constitution to scholarship and opinion.

"Therefore, without expressing approval of the critical or theological views embodied in the Inaugural Address, or the manner in which they have been expressed and illustrated, the Presbytery pronounces the Rev. Charles A. Briggs, D.D., fully acquitted of the offenses alleged against him, the several charges and specifications accepted for probation having been 'not sustained.'"—1893, pp. 232, 233.

Against this action of the Presbytery of New York, an appeal to the General Assembly was taken by the Prosecuting Committee in accordance with the provisions of Sections 94 to 102 inclusive of the Book of Discipline.—1893, p. 234.

e. *Action of the Assembly of 1893.*

(*1.*) *Hearing and Judgment.*

The Judicial Committee in the case of the Presbyterian Church in the U. S. A. *vs.* the Rev. Charles A. Briggs, D.D., reported, and it was

Resolved, That the General Assembly finds that due notice of appeal in this case has been given, and that the appeal and the specifications of the errors alleged have been filed in due time, and that the appeal is in order in accordance with the provisions of the Book of Discipline.—1893, p. 70.

After full discussion the appeal was entertained, 410 to 145.—1893, pp. 95–104.

The parties having been fully heard, the appeal was sustained: to sustain as a whole, 295; to sustain in part, 84; not to sustain, 116. The Moderator declared the appeal to be sustained.—1893, pp. 140–150.

It was then *Resolved*, That the specifications of error, excepting Ground iv, Specifications 1 and 5, in Judicial Case No. 1, having been sustained, and the appeal in said case having been sustained, the question of the reversal of the judgment of the Presbytery of New York, of the form of the judgment of the Assembly, and all other matters connected with the case, be referred to a Committee of fifteen, of which the Rev. Thomas A. Hoyt, D.D., shall be Chairman, said Committee to report at the earliest opportunity.—1893, p. 150.

The Judgment.

PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA, *Appellant*, *vs.* REV. CHARLES A. BRIGGS, D.D., *Appellee.*	On appeal from the final judgment of the Presbytery of New York.

This appeal being regularly issued, and coming on to be heard on the judgment, the notice of appeal, the appeal, and the specifications of errors alleged, and the record in the case from the beginning, and the reading of said record having been omitted by consent, and the parties

hereto having been heard before the judicatory in argument, and the opportunity having been given to the members of the judicatory appealed from to be heard, and they having been heard, and opportunity having been given to the members of this judicatory to be heard, and they having been heard, as provided by the Book of Discipline, and the General Assembly, as a judicatory sitting in said cause on appeal, having sustained the following specifications of error, to wit:

All of said specifications of errors set forth in said five grounds of appeal, save and except the first and fifth under the fourth ground of appeal, on consideration whereof, this judicatory finds said appeal should be and is hereby sustained, and that said Presbytery of New York, the judicatory appealed from, erred in striking out said amended charges four and seven, and erred in not sustaining, on the law and the evidence, said amended charges one, two, three, five, six and eight; on consideration whereof this judicatory finds that said final judgment of the Presbytery of New York is erroneous, and should be and is hereby reversed; and this General Assembly sitting as a judicatory in said cause coming now to enter judgment on said amended charges, one, two, three, five, six and eight, finds the appellee, the said Charles A. Briggs, has uttered, taught and propagated views, doctrines and teachings, as set forth in said charges contrary to the essential doctrine of Holy Scripture and the Standards of said Presbyterian Church in the United States of America, and in violation of the ordination vow of said appellee, which said erroneous teachings, views, and doctrines strike at the vitals of religion, and have been industriously spread; wherefore, this General Assembly of the Presbyterian Church in the United States of America, sitting as a judicatory in this cause on appeal, does hereby suspend Charles A. Briggs, the said appellee, from the office of a minister in the Presbyterian Church in the United States of America, until such time as he shall give satisfactory evidence of repentance to the General Assembly of the Presbyterian Church in the United States of America, for the violation by him of the said ordination vow as herein and heretofore found.

And it is ordered that the Stated Clerk of this General Assembly transmit a certified copy of this judgment to the Presbytery of New York, to be made a part of the record in this case. It is also ordered that a copy be furnished to the appellee, the Rev. Charles A. Briggs, D.D.—1893, pp. 164, 165.

e. (2.) Explanatory minute—Case of Charles A. Briggs, D.D.

The Committee on the Judgment in Judicial Case No. 1 also presented a judicial deliverance and explanatory minute, which was adopted, as follows:

Your Committee, to whom was entrusted the duty of formulating an explanatory minute of this Assembly on the doctrinal points involved in the appeal of the Committee of Prosecution from the judgment of the Presbytery of New York, in the case of the Presbyterian Church in the United States of America *vs.* the Rev. Charles A. Briggs, D.D., reports as follows:

1. We find that the doctrine of the errancy of the Scripture as it came from them to whom, and through whom, God originally communicated His revelation, is in conflict with the statements of the Holy Scripture itself, which assert that "all Scripture" or "every Scripture" is given by "inspiration of God" (2 Tim. iii. 16); "That the prophecy

came not of old by the will of man, but holy men of God spake as they were moved by the Holy Ghost" (2 Peter i. 12), and also with the statements of the Standards of the Church which assert that "the Holy Scriptures of the Old and New Testaments are the Word of God" (Larger Catechism, Question 3), "of Infallible Truth" and "Divine Authority" (Confession of Faith, Chap. i, Sec. v).

2. That we find in this case involved the questions of the sufficiency of the human reason and of the Church, as authorized guides in the matter of salvation. Your Committee recommend that this General Assembly declare that the reason and the Church are not to be regarded as fountains of divine authority; that they are unreliable and fallible, and whilst they may, and no doubt are, channels or media through which the Holy Spirit may reach and influence for good the human soul, they are never to be relied upon as sufficient in themselves, and aside from Holy Scripture, to lead the soul to a saving knowledge of God. To teach that they are sufficient is most dangerous, and contrary to the Word of God and our Standards, and our ministers and church members are solemnly warned against such teachings.

3. We find involved in this case a speculation in regard to the process of the soul's sanctification after death, which in the judgment of this Assembly is a dangerous hypothesis, in direct conflict with the plain teaching of the divine Word and the utterance of the Standards of our Church. "These Standards distinctly declare that 'the souls of believers are at their death made perfect in holiness, and do immediately pass into glory, while their bodies being still united to Christ do rest in their graves till the Resurrection'" (Shorter Catechism, Question 37; 2 Cor. v. 8; Phil. i. 23; John xvii. 24).

The judgment, with the judicial deliverance and explanatory minute, were ordered to be entered on the record, and the Stated Clerk was directed to forward a copy of the same to the Presbytery of New York, and also to the appellee, the Rev. Charles A. Briggs, D.D.—1893, pp. 164, 165.

4. Protest against action of the Assembly on inerrancy.

The Rev. Herrick Johnson, D.D., LL.D., for himself and others, presented the following protest, which was received and ordered to be recorded:

The undersigned enter respectful and earnest protest against the action of this Assembly which declares the inerrancy of the original autographs of Scripture to be the faith of the Church. We protest against this action.

1. Because it is insisting upon a certain theory of inspiration, when our Standards have hitherto only emphasized the fact of inspiration. So far as the original manuscript came from God, undoubtedly it was without error. But we have no means of determining how far God controlled the penmen in transcribing from documents in matters purely circumstantial.

2. Because it is dogmatizing on a matter of which, necessarily, we can have no positive knowledge.

3. Because it is insisting upon an interpretation of our Standards which they have never borne, and which, on their face, is impossible. No man in subscribing to his belief in the Scriptures as the Word of God, and the only infallible rule of faith and practice, has his mind on the original autographs.

4. Because it is setting up an imaginary Bible as a test of orthodoxy. If an inerrant original Bible is vital to faith, we cannot escape the conclusion that an inerrant present Bible is vital to faith.

5. Because it is disparaging the Bible we have, and endangering its authority under the pressure of a prevalent hostile criticism. It seems like flying for shelter to an original autograph, when the Bible we have in our hands to-day is our impregnable defense.

Believing these present Scriptures to be "the very Word of God" and "immediately inspired by God," "kept pure in all ages" and "our only infallible rule of faith and practice," notwithstanding some apparent discrepancies in matters purely circumstantial, we earnestly protest against the imposing of this new interpretation of our Standards upon the Church, to bind men's consciences by enforced subscription to its terms.—1893, p. 167.

5. Answer to the foregoing protest.

The Committee appointed to prepare an answer to the protest of Revs. Herrick Johnson, D.D., LL.D., S. J. Niccolls, D.D., LL.D., and others, presented its report, which was received, and is as follows:

As already announced by this General Assembly, the deliverance of the Portland Assembly, and the deliverances of this body, touching the inspiration of the Holy Scriptures, impose no new test of orthodoxy, nor do they set forth any theory of inspiration, but only reaffirm the statements of our Confession of Faith, Chap. i, Secs. i, ii, iv, v, viii, x, and the Larger Catechism, Ques. 3; statements to which every minister and every elder in the Church gives his assent at his ordination in response to the following question: "Do you believe the Scriptures of the Old and New Testaments to be the Word of God, the only infallible rule of faith and practice?"

We can, therefore, say with the protestants, we believe "these present Scriptures to be the very Word of God," and "immediately inspired by God," "kept pure in all ages," and "our only infallible rule of faith and practice;" while if errors were found in the original autographs they could not have proceeded from "God, who is truth itself, the author thereof." In behalf of the Committee,

E. D. Warfield, *Chairman*.

—1893, p. 169.

6. The Bible as we now have it is the very Word of God.

[See below, Chap. i, Sec. viii.]

7. The General Assembly makes no new definitions of dogma.

Overture from the Presbytery of Rochester, declaring that said "Presbytery viewed with apprehension the attempt of the General Assembly to make new definitions of dogma, by deliverance and by judicial decision, and expresses its conviction that no doctrinal statement, which is not explicitly contained in the Confession of Faith and Catechisms of the Church, is binding on the office bearers." We recommend the following action: The General Assembly has never undertaken to make new definitions of dogma, either by deliverance or judicial decision, and we hope that this declaration of former Assemblies repeated by this General Assembly will allay the apprehensions of our worthy brethren of this Presbytery. Adopted.—1894, p. 45.

8. Case of the Rev. Henry Preserved Smith, D.D., on an appeal from the decision of the Synod of Ohio.

a. *Charges and specifications.*

[NOTE.—On the 12th of December, 1892, the Presbytery of Cincinnati found the Rev. Henry Preserved Smith guilty on two out of three charges. The charges sustained are as follows:]

CHARGE II.

The Presbyterian Church in the United States of America charges the Rev. Henry Preserved Smith, D.D., being a minister in said Church and a member of the Presbytery of Cincinnati, with teaching, in a pamphlet entitled "Biblical Scholarship and Inspiration," contrary to a fundamental doctrine of the Word of God and the Confession of Faith, that the Holy Spirit did not so control the inspired writers in their composition of the Holy Scriptures as to make their utterances absolutely truthful, *i. e.*, free from error when interpreted in their natural and intended sense.

SPECIFICATION I.

In a pamphlet entitled "Biblical Scholarship and Inspiration," published by the said Rev. Henry Preserved Smith, D.D., in different editions in the year 1891, which pamphlet has been extensively circulated with his knowledge and approval, he teaches that the inspired author of Chronicles has asserted sundry errors of historic fact.—Pages 92, 100, 101 and 102, cited below.

SPECIFICATION II.

In the pamphlet referred to in Specification I, he teaches that the inspired author of Chronicles has suppressed sundry historic truths, owing to inability or unwillingness to believe them.—Pages 104, 105, 107, 109 cited below.

SPECIFICATION III.

In the pamphlet referred to in Specification I, he teaches that the inspired author of Chronicles incorporated into his narrative and endorsed by his authority material drawn from unreliable sources.—Pages 101, 103, cited below.

SPECIFICATION IV.

In the pamphlet referred to in Specification I, he teaches that the historic unreliability of the inspired author of Chronicles was so great that the truth of history therein contained can only be discovered by such investigation, discrimination and sifting as is necessary to the discovery of the truth in histories by uninspired and fallible men.—Page 100, cited below.

SPECIFICATION V.

In the pamphlet referred to in Specification I, he teaches the historic unreliability of the inspired author of Chronicles to have been such that "the truth of events" cannot be ascertained from what he actually asserts, but from what he unwittingly reveals.—Pages 100, 108, 109, cited below.

SPECIFICATION VI.

In the pamphlet referred to in Specification I, he teaches that the historic unreliability of the inspired author of Chronicles extended to

other inspired historic writers of the Old Testament.—Page 102, cited below.

SPECIFICATION VII.

In the pamphlet referred to in Specification I, he teaches that the historic unreliability charged by him upon the inspired historical writers of the Old Testament is chargeable, though in a less degree, upon the inspired writers of the New Testament.—Page 115, cited below.

SPECIFICATION VIII.

In the pamphlet referred to in Specification I, he teaches that the disclosures of religious experience given by the inspired authors of the Psalms are not in accord with the mind of the Holy Spirit, and free from moral defect.—Page 101, cited below.

SPECIFICATION IX.

In the pamphlet referred to in Specification I, he teaches that the assertions made by the inspired authors of the Psalms are not to be relied upon as absolutely true.—Page 101, cited below.

SPECIFICATION X.

In the pamphlet referred to in Specification I, he teaches that the last twenty-seven chapters of the Book of Isaiah are not correctly ascribed to him.—Pages 95, 96, cited below.

SPECIFICATION XI.

In the pamphlet referred to in Specification I, he specifically affirms the impossibility of the Old Testament Scriptures being free from all error of fact.—Page 92, cited below.

Quotations from "Biblical Scholarship and Inspiration."

Page 92: "I have always supposed Dr. Charles Hodge to mean the same thing when he says (*Theol.*, i, 152) that the Scriptures are 'free from all error, whether of doctrine, fact or precept.' If what the sacred writers assert, he says later (p. 163), 'God asserts, which, as has been shown, is the Scriptural idea of inspiration, their assertions must be free from error.' Again, he says, 'The whole Bible was written under such an influence as preserved its human authors from all error, and makes it for the Church the infallible rule of faith and practice.' Notice there are *two statements here.* Had Dr. Hodge contented himself with affirming that the whole Bible was written 'under such an influence as makes it for the Church the infallible rule of faith and practice,' no one could have objected. *The other clause* is the one to which we object, and *whose application* to the Old Testament I affirm to be impossible."

Pages 94 and 95: "The first class of facts is the least important, and may be said not to bear upon inerrancy. It includes the cases where writings have been included in the books of those who were not their authors. . . . .

"Strictly speaking, the hypothesis does not contradict the doctrine of inerrancy, and I should not have alluded to it except to prepare the way for a similar case which has made no small scandal in the theological world. I allude, of course, to the Book of Isaiah. Divest your mind now of preconceptions, and look at this case. Let us suppose the redactor of the book of the minor prophets to have had a Book of Isaiah, which included only the first thirty-nine chapters of our book of that

name. He has also in his possession the magnificent evangelical prophecy which is (p. 95) more familiar to us than almost any other part of the Old Testament. He does not know the author's name, or perhaps it is not safe to have it known. What more likely than that he should make of it an appendix to the book of the kindred prophet—the two together make up a roll about the size of the book of the twelve? This would not be out of harmony with the process of gathering the other book, and the only way in which it would violate the strictest theory of inspiration is in making appear as Isaiah's what is not his."

Page 96: "Read this and you will feel that the message could have come with appropriateness to the people in the captivity, and not to the people of Isaiah's time, whose situation was so different. This is, at any rate, the conclusion of the majority of the critics. No one denies the genuineness of the prophecy; no one denies that it is a genuine prophecy that is, and this being admitted, it gains in force and beauty on the critical theory."

Page 100: "For arguing on the basis of individual style, we discover that the redactor has generally left unaltered the documents he has embodied in his narrative. His supervision has generally gone only so far as to make an occasional note, or insert a connecting phrase. Or does his inerrancy extend simply to the reproduction, so that our confidence extends only to the accuracy of his quotation? This, indeed, is what the critics generally accept. But it is far from what the advocates of inerrancy claim. Unless we can assume the standing miracle, the historical sources of the Old Testament need, in order to discover the truth of events, the same sort of analysis, sifting and cross-questioning that must be given to other sources of history, and this analysis, sifting and cross-questioning, is precisely—higher criticism."

Page 101: "The value of the Book of Job lies in the spectacle of a human soul in the direst affliction, working through its doubts, and at last humbly confessing its weakness and sinfulness in the presence of its Maker. The inerrancy is in the truth of the picture presented. It cannot be located in any statement of the author or of any of his characters. The same is true of the Psalms. They present us a picture of pious experience in all its phases. We see every variety of soul in every variety of emotion. The assertions of the authors cannot be taken for absolute truth. . . . .

"The Psalms present us a record of actual experience of believers in the past, We can study and profit by this experience all the more that it has in it human weakness. The subjects of the experience doubtless had the power of correctly expressing their feelings, but that is not the inerrancy which has been claimed for them, and which the theologians desire. The imprecations, which have been such a stumbling-block to some, are enough to prove this point."

Pages 101–103: (101) "So far we have noticed the difficulty of applying the theory of inerrancy. We are in a position, however, to go further. We have, as you know, two parallel histories in the [102] Old Testament. One is contained in the books from Genesis to 2 Kings; the other is contained in the Books of Chronicles. These latter, indeed, once were joined with Ezra and Nehemiah, so as to form a continuous narrative (if narrative it may be called, where so much is simply genealogical) from Adam to the Persian monarchy. But this does not now concern us. For our present inquiry, we are interested in the two forms of

the history of Israel as presented on the one side by the Books of Samuel and Kings; and on the other in the Books of Chronicles. The study of these books shows the method of the authors with a definiteness which leaves nothing to be desired. We see that the chronicler had before him our Book of Kings as one of his sources. He takes from it what suits his purpose. What he takes he generally transfers without material change. He omits a good deal which does not answer his purpose, and he inserts a good deal from other sources. He pursues exactly the plan, that is, which we suppose to have been followed by the other historical writers. Now compare the following passages." (Dr. Smith then compares 2 Sam. viii. 4 with 1 Chron. xviii. 3; 2 Sam. x. 16 with 1 Chron. xxix. 6; 2 Sam. x. 18 with 1 Chron. xix. 18; 2 Sam. xxiv. 9 with 1 Chron. xxi. 5; 2 Sam. xxxiv. 24 with 1 Chron. xxi. 25; 1 Kings iv. 26 with 2 Chron. ix. 25; 1 Kings xvi. 2 with 2 Chron. iii. 4, and 1 Kings vii. 26 with 2 Chron. iv. 5.)

Page 103: "Now it will be said at once that these are all discrepancies in numbers, which are very liable to corruption, and that, therefore, these are all cases of error in transmission. But I ask you to notice that these are all, but one, cases in which the larger number is in the text of the chronicler. Where the age of a king or the length of his reign is concerned, I have not taken account of the difference. But in matters of statistics it is curious that the errors should be nearly all one way. Remembering that the chronicler was much further away in time from the events narrated, we find it natural that he should have an exaggerated idea of the resources of his country in the days of her glory. In the case of David's purchase of the field of Ornan, he finds the price a niggardly one for the prince to pay. He, therefore, does not hesitate (supposing that a mistake has been made) to put in a larger sum. Of course we need not lay this to the charge of the final redactor of the book. He had probably before him other written elaborations of the history in which his exaggerated idea of the past was already embodied. The personal equation is as difficult to suppress in the historian as is individuality of style. Why should one be overruled any more than the other?"

Page 104: "Now, we all know how difficult it is to picture to ourselves a different piety from our own. Abraham, the Father of the Faithful, we picture to ourselves as an enlightened Christian of the nineteenth century. We do not like to confess that he was guilty of deception, or that Jacob, the prince of God, took an unfair advantage of his own brother. So with the chronicler. He could think of David only as a saint of his own pattern. Therefore he does not copy from the older history the shadows that rest upon David's life—his adultery, the trouble with Amnon, the usurpation of Absalom and Adonijah, the charge of vengeance he delivered to Solomon—these are left out of his history altogether. To him David is the nursing father of the legitimate priesthood, and the virtual builder of the Temple."

Pages 104, 105: "But you will say this does not give us error in the record. Let me then call attention to the following: [Dr. Smith then compares 1 Kings ix. 11 with 2 Chron. viii. 2; and 1 Kings xv. 14 with 2 Chron. xiv. 3–5.]

"These certainly look on their face like direct contradictions, and if we allow for the personal equation of which I have spoken, we can easily explain them. It would be hard, indeed, for a Jew of the Persian period to imagine Solomon giving away the sacred territory of Israel to

the heathen king. Rather must he suppose the mighty Solomon to be the recipient of gifts of territory. The same line of reasoning is [105] followed in the second quotation. The high places were the old sanctuaries of Jehovah, regarded as legitimate before the building of the Temple, even by the author of the Book of Kings (1 Kings iii. 2), and used without reserve by Samuel. As time went on they fell more and more into disrepute, and after the exile the requirements of the law were carried out, and the only sanctuary of the people was the temple at Jerusalem. The remembrance of the high places was only that of illegitimate places of worship. The chronicler and his generation could not imagine a good king as even tolerating them. Hence the change in his account."

Pages 108, 109: "It is clear that we cannot ascribe freedom from error to the statements of a book compiled in this way. You will say, then it should be cast out of the Canon. To which I reply, by no means. The Book of Chronicles is invaluable to us, not for what it directly teaches, but for the light it throws indirectly upon its own time. What the Jews of the Persian monarchy were thinking, how they regarded the older history, how they were preparing the way for the scribes and Pharisees, for the crucifixion and the Roman war, for the Talmud and Barkochba —this is made known to us in the Book of Chronicles and by almost no other book in the Bible. But it is made known to us by reading between the lines, that is to say, by considering and weighing not what the author says of others, but by what he betrays of himself. What is the truth of history, my friends? Is it simply the narrative of events definitely defined, and labeled, and arranged in order? Is it a catalogue of kings, of each of which it records that he was born, made war and died? Is it not rather a series of pictures, each of which describes an age with its thoughts, its aspirations, its ideals? If so, sacred history cannot be made up by a string of inerrant statements."

Note, page 108: "As some questions have been raised by my assertions about the chronicler, I will add that of course I do not suppose him guilty of intentional falsification of the record. He had before him, it would appear, a considerable literature which commented on the history in the spirit of the time—his changes are made from these documents. The ideas which govern this literature were a part of the mental furniture of the chronicler himself. His inspiration, which made him a source of religious edification to his contemporaries, and which makes his work still a part of the infallible rule of faith, did not correct his historical point of view, any more than it corrected his scientific point of view, which no doubt made the earth the centre of the solar system."

Page 109: "It must show unconsciously and by suggestion the spirit that informs the Church of God and makes it live and grow. To secure us an inerrant chronicle of dates and names would not give us this history. To give us the pictures of the men drawn by themselves is to give us this history. To discover these pictures, and to locate them, and set them in their true light, is the work of Biblical theology working by criticism."

Page 115: "Only it should be observed that the chances for error in the Old Testament are much greater than in the New Testament. The Old Testament took form in a cruder state of society and its books cover a much greater period of time than is the case in the New Testament. We should naturally expect greater difficulties in the Old Testament.

The caution exercised with regard to *à priori* theories in regard to the New Testament commends itself with double force, when we come to the Old."

These declarations are contrary to the Scriptures: 2 Tim. iii. 16, 17; 2 Peter i. 20, 21; 2 Peter iii. 15, 16, R.V.; John x. 34–36; Deut. iv. 2; Rev. xxii. 18, 19; Exod. iv. 14–16; Num. xvi. 28–30, 33; Num. xxiii. 7, 8; Num. xxiii. 12, 13; Num. xxiii. 25, 26; Num. xxiv. 12, 13; 1 Cor. x. 11; 1 Cor. xiv. 37; Num. xii. 6–8; Deut. xxviii. 1, 15; Jer. xxxvi. 16; Isa. li. 1–6; Jer. i. 9; Jer. ii. 1; Psa. xcv. 7, 8; Heb. iii. 7, 8; Heb. i. 1, 2, R.V.; Jer. xxxi. 33; Heb. x. 15, 16, R.V.; Matt. x. 19, 20; Luke xii. 11, 12; John xiv. 26; John xvi. 13–15; Luke xxiv. 27; Luke xxiv. 44, 45; John v. 46, 47; Matt. iv. 4, 7, 10; Matt. v. 17, 18; Isa. viii. 20; 1 Peter i. 23, 25; 2 Sam. xxiii. 2; Psa. xix. 7; Dan. x. 21; Num. xxiii. 19; Psa. cxix. 160; Prov. xxx. 5, 6; Matt. i. 22, *cf. also* R.V.; Acts i. 16; John xvii. 16, 17; Matt. xxiv. 35; Matt. xxii. 29, 32; John xvii. 12; Acts xxiv. 14; Mark xii. 36; Acts iv. 24, 25; Acts iii. 21; 1 Thess. ii. 13; Gal. iii. 8; Gal. iii. 16; 1 Peter i. 10, 11; James iv. 5, *cf. also* R.V.; John xix. 24; John xix. 36, 37; Matt. iii. 3, *cf.* Isa. xl. 3; Matt. viii. 17, *cf.* Isa. liii. 4; Matt. xii. 17, 18; Matt. xii. 17, *cf.* Isa. xl. 1; Luke iii. 4, 5, 6, *cf.* Isa. xl. 3, 4, 5; Luke iv. 17–19, *cf.* Isa. lxi. 1, 2; John i. 23, *cf.* Isa. xl. 3; Rom. x. 16, 20; John xii. 38, *cf.* Isa. liii. 1; Acts viii. 28, 30, *cf.* Isa. liii. 7, 8.

These declarations are contrary to our Standards: Confession of Faith, Chap. i, Secs. i, ii, iv, v, viii, ix, x; Chap. xiv, Sec. ii; Larger Catechism, [questions] 2 and 3, 4 and 157.

Charge III.

The Presbyterian Church in the United States of America charges the Rev. Henry Preserved Smith, D.D., a minister in said Church, a member of the Presbytery of Cincinnati, in a pamphlet entitled "Biblical Scholarship and Inspiration," while alleging that the Holy Scriptures are inspired, and an infallible rule of faith and practice, with denying in fact their inspiration in the sense in which inspiration is attributed to the Holy Scriptures, by the Holy Scriptures themselves and by the Confession of Faith.

Specification I.

In a pamphlet entitled "Biblical Scholarship and Inspiration," published by the said Rev. Henry Preserved Smith, D.D., in different editions in the year 1891, which pamphlet has been extensively circulated with his knowledge and approval, he teaches that the inspiration of the Holy Scriptures is consistent with the unprofitableness of portions of the sacred writings.—Page 116, cited below.

Specification II.

In the pamphlet referred to in Specification I, he teaches that the inspiration of the Holy Scriptures is consistent with error of fact in their affirmations.—Pages 92, 95, 96, 100, 101, 102, 103, 104, 105, 107, 109, 115, cited under Charge II; 93, cited below.

Specification III.

In the pamphlet referred to in Specification I, he teaches that the inspiration of the Holy Scriptures is consistent with such unreliability in

their utterances that the truth of events cannot be ascertained from their utterances themselves.—Pages 100, 102, 108, 109, cited under Charge II.

SPECIFICATION IV.

In the pamphlet referred to in Specification I, he teaches that the inspiration of the Holy Scriptures is consistent with a bias in the inspired writers, rendering them incapable of recording the truth of events because incapable of believing it.—Pages 104, 105, 107, 109, cited under Charge II.

Quotations from "Biblical Scholarship and Inspiration."

Page 116: "All Scripture is God-inspired—true. But the remarkable thing is that the text affirms more than this. All Scripture is not only God-inspired, but all Scripture is 'profitable for teaching, for reproof, for correction, for instruction which is in righteousness; that the man of God may be furnished completely unto every good work.' This seems to me the hardest part of it. I find no difficulty in supposing the list of dukes of Edom God-inspired, even though in the original autographs it had some names wrongly placed, but do you make it profitable for instruction in righteousness? Do you make it profitable to yourself for completely furnishing yourself to every good work? If not, you can not lightly condemn me for not drawing your deduction from its inspiration."

Page 93: "First, however, allow me a word of personal explanation. Some years ago, when a candidate for ordination, I received as a text for my trial sermon the well-known passage of 2 Timothy: 'All Scripture is given by inspiration of God.' In that sermon I took the very ground of the authors I have been quoting. For more than fifteen years since that time I have been engaged in direct daily study of the Old Testament. It has been my duty to familiarize myself with the facts of the record, and as well with the statements of scholars about these facts. I well recall the reluctance which I felt to read some books which departed from 'the views commonly received among us,' and on reflection I cannot convict myself of undue sympathy with German mysticism or rationalism. But I have felt it my duty to know facts, and I sincerely believe that the truth of God is evident in all the facts of His Word. But in the examination of facts to which I now proceed, remember that it is my desire to give no one pain, and I ask you not to take my statement, but to examine the record itself."

b. *Finding and judgment of the Presbytery of Cincinnati.*

On December 13, Presbytery suspended the accused from the ministry in the following action:

"Charges II and III have thus been proved, and Dr. Smith is found guilty of both charges.

"Therefore the judgment of the Presbytery sitting as a Court is, that the Rev. Henry Preserved Smith, D.D., be, and hereby is, suspended from the ministry of the Presbyterian Church until such time as he shall make manifest, to the satisfaction of Presbytery, his renunciation of the errors he has been found to hold, and his solemn purpose no longer to teach or propagate them."

c. *Appeal of Dr. Smith to the Synod of Ohio.*

[From this action of the Presbytery of Cincinnati, Dr. Smith took an appeal to the Synod of Ohio, meeting in Cincinnati, October 10–13, 1893.

The appeal was entertained by the Synod, and, after trial had, it was not sustained, 51 to 78.

No one of the specifications of error having been sustained, and no error having been found in the record, the Moderator declared the judgment of the inferior judicatory to be affirmed.]—*Minutes*, Synod of Ohio, 1893, p. 173.

d. *Appeal of Dr. Smith to the General Assembly; judgment of Synod affirmed.*

From this decision and final judgment of the Synod of Ohio, Dr. Smith took an appeal to the General Assembly.

[Note.—For the Appeal in full, see *Minutes*, 1894, pp. 197–201.]

The appeal was entertained, and, after full discussion and trial had, was not sustained, 102 to 396.

The Moderator made announcement as follows:

No specification of error having been sustained, and the appeal as a whole not having been sustained, the judgment of the Synod of Ohio in the case of the Presbyterian Church in the United States of America *vs.* Rev. H. P. Smith, D.D., has been and is affirmed.—1894, p. 106.

[Note.—See also in this connection the action of the Assembly on a Memorial from the Independent Synod of Missouri.—1874, p. 30.]

III. The books commonly called Apocrypha, not being of divine inspiration, are no part of the canon of the Scripture; and therefore are of no authority in the Church of God, nor to be any otherwise approved, or made use of, than other human writings.

IV. The authority of the Holy Scripture, for which it ought to be believed and obeyed, dependeth not upon the testimony of any man or church, but wholly upon God, (who is truth itself,) the author thereof; and therefore it is to be received, because it is the Word of God.

V. We may be moved and induced by the testimony of the Church to an high and reverent esteem of the Holy Scripture; and the heavenliness of the matter, the efficacy of the doctrine, the majesty of the style, the consent of all the parts, the scope of the whole, (which is to give all glory to God,) the full discovery it makes of the only way of man's salvation, the many other incomparable excellencies, and the entire perfection thereof, are arguments whereby it doth abundantly evidence itself to be the Word of God; yet, notwithstanding, our full persuasion and assurance of the infallible truth, and divine authority thereof, is from the inward work of the Holy Spirit, bearing witness by and with the Word in our hearts.

VI. The whole counsel of God, concerning all things necessary for his own glory, man's salvation, faith, and life, is either expressly set down in Scripture, or by good and necessary consequence may be

deduced from Scripture: unto which nothing at any time is to be added, whether by new revelations of the Spirit or traditions of men. Nevertheless we acknowledge the inward illumination of the Spirit of God to be necessary for the saving understanding of such things as are revealed in the Word: and there are some circumstances concerning the worship of God and government of the Church, common to human actions and societies, which are to be ordered by the light of nature and Christian prudence, according to the general rules of the Word, which are always to be observed.

VII. All things in Scripture are not alike plain in themselves, nor alike clear unto all; yet those things which are necessary to be known, believed, and observed, for salvation, are so clearly propounded and opened in some place of Scripture or other, that not only the learned, but the unlearned, in a due use of the ordinary means, may attain unto a sufficient understanding of them.

VIII. The Old Testament in Hebrew, (which was the native language of the people of God of old,) and the New Testament in Greek, (which at the time of the writing of it was most generally known to the nations,) being immediately inspired by God, and by his singular care and providence kept pure in all ages, are therefore authentical; so as in all controversies of religion the Church is finally to appeal unto them. But because these original tongues are not known to all the people of God who have right unto and interest in the Scriptures, and are commanded, in the fear of God, to read and search them, therefore they are to be translated into the vulgar language of every nation unto which they come, that the Word of God dwelling plentifully in all, they may worship him in an acceptable manner, and, through patience and comfort of the Scriptures, may have hope.

1. The Bible, in its various translations, is the very Word of God.

The following deliverance was offered on the inspiration and integrity of the Scriptures:

Resolved, That the Bible as we now have it, in its various translations and versions, when freed from all errors and mistakes of translators, copyists, and printers, is the very Word of God, and consequently wholly without error.

This deliverance was unanimously adopted.—1893, p. 169.

Resolved, That all our ministers be careful, in expounding the Word publicly, so to expound, as to inspire and sustain confidence in our excellent version, as truly the Word of God; believing, as we do, that the honest-hearted inquirer searching after the truth, with a teachable spirit, will find it.—1855, N. S., p. 28.

IX. The infallible rule of interpretation of Scripture is the Scripture itself; and therefore, when there is a question about the true and full sense of any scripture, (which is not manifold, but one,) it may be searched and known by other places that speak more clearly.

X. The Supreme Judge, by whom all controversies of religion are to be determined, and all decrees of councils, opinions of ancient writers, doctrines of men, and private spirits, are to be examined, and in whose sentence we are to rest, can be no other but the Holy Spirit speaking in the Scripture.

CHAPTER II.

OF GOD, AND OF THE HOLY TRINITY.

I. There is but one only living and true God, who is infinite in being and perfection, a most pure spirit, invisible, without body, parts, or passions, immutable, immense, eternal, incomprehensible, almighty, most wise, most holy, most free, most absolute, working all things according to the counsel of his own immutable and most righteous will, for his own glory; most loving, gracious, merciful, long-suffering, abundant in goodness and truth, forgiving iniquity, transgression, and sin; the rewarder of them that diligently seek him; and withal most just and terrible in his judgments, hating all sin, and who will by no means clear the guilty.

II. God hath all life, glory, goodness, blessedness, in and of himself; and is alone in and unto himself all-sufficient, not standing in need of any creatures which he hath made, nor deriving any glory from them, but only manifesting his own glory in, by, unto, and upon them: he is the alone fountain of all being, of whom, through whom, and to whom, are all things; and hath most sovereign dominion over them, to do by them, for them, and upon them, whatsoever himself pleaseth. In his sight all things are open and manifest; his knowledge is infinite, infallible, and independent upon the creature, so as nothing is to him contingent or uncertain. He is most holy in all his counsels, in all his works, and in all his commands. To him is due from angels and men, and every other creature, whatsoever worship, service, or obedience, he is pleased to require of them.

III. In the unity of the Godhead there be three persons of one substance, power, and eternity; God the Father, God the Son, and God the Holy Ghost. The Father is of none, neither begotten nor proceeding; the Son is eternally begotten of the Father; the Holy Ghost eternally proceeding from the Father and the Son.

[NOTE.—See under Chap. vi, case of John Miller, Specification 3.]

1. Refusal to alter the language of the Confession.

Overture from Rev. Sayres Gazley in relation to changes in the language of our Confession of Faith, regarding the doctrine of the Trinity and other doctrines.

The Committee recommend as an answer, that no change in the lan-

guage of the Confession, respecting the points suggested, is desirable, or consistent with the Word of God. Adopted unanimously.—1859, p. 532, O. S.

CHAPTER III.

OF GOD'S ETERNAL DECREE.

I. God from all eternity did by the most wise and holy counsel of his own will, freely and unchangeably ordain whatsoever comes to pass: yet so as thereby neither is God the author of sin, nor is violence offered to the will of the creatures, nor is the liberty or contingency of second causes taken away, but rather established.

II. Although God knows whatsoever may or can come to pass upon all supposed conditions; yet hath he not decreed anything because he foresaw it as future, or as that which would come to pass upon such conditions.

[NOTE.—See case of Samuel Harker, under Chap. vii, below.]

III. By the decree of God, for the manifestation of his glory, some men and angels are predestinated unto everlasting life, and others fore-ordained to everlasting death.

IV. These angels and men, thus predestinated and fore-ordained, are particularly and unchangeably designed; and their number is so certain and definite that it cannot be either increased or diminished.

V. Those of mankind that are predestinated unto life, God, before the foundation of the world was laid, according to his eternal and immutable purpose, and the secret counsel and good pleasure of his will, hath chosen in Christ, unto everlasting glory, out of his mere free grace and love, without any foresight of faith or good works, or perseverance in either of them, or any other thing in the creature, as conditions, or causes moving him thereunto; and all to the praise of his glorious grace.

VI. As God hath appointed the elect unto glory, so hath he, by the eternal and most free purpose of his will, fore-ordained all the means thereunto. Wherefore they who are elected being fallen in Adam, are redeemed by Christ, are effectually called unto faith in Christ by his Spirit working in due season; are justified, adopted, sanctified, and kept by his power through faith unto salvation. Neither are any other redeemed by Christ, effectually called, justified, adopted, sanctified, and saved, but the elect only.

VII. The rest of mankind, God was pleased, according to the unsearchable counsel of his own will, whereby he extendeth or withholdeth mercy as he pleaseth, for the glory of his sovereign power over his creatures, to pass by, and to ordain them to dishonor and wrath for their sin, to the praise of his glorious justice.

VIII. The doctrine of this high mystery of predestination is to be handled with special prudence and care, that men attending the will of God revealed in his Word, and yielding obedience thereunto, may, from the certainty of their effectual vocation, be assured of their eternal election. So shall this doctrine afford matter of praise, reverence, and admiration of God; and of humility, diligence, and abundant consolation, to all that sincerely obey the Gospel.

[NOTE.—See case of Thomas B. Craighead, under Chap. xi, below.]

CHAPTER IV.

OF CREATION.

I. It pleased God the Father, Son, and Holy Ghost, for the manifestation of the glory of his eternal power, wisdom, and goodness, in the beginning, to create, or make of nothing, the world, and all things therein, whether visible or invisible, in the space of six days, and all very good.

II. After God had made all other creatures, he created man, male and female, with reasonable and immortal souls, endued with knowledge, righteousness, and true holiness, after his own image, having the law of God written in their hearts, and power to fulfill it; and yet under a possibility of transgressing, being left to the liberty of their own will, which was subject unto change. Besides this law written in their hearts, they received a command not to eat of the tree of the knowledge of good and evil; which while they kept they were happy in their communion with God, and had dominion over the creatures.

[NOTE.—See case of John Miller, under Chap. vi, Sec. vi, Specification 1.]

CHAPTER V.

OF PROVIDENCE.

I. God, the great Creator of all things, doth uphold, direct, dispose, and govern all creatures, actions, and things, from the greatest even to the least, by his most wise and holy providence, according to his infallible foreknowledge, and the free and immutable counsel of his own will, to the praise of the glory of his wisdom, power, justice, goodness, and mercy.

II. Although, in relation to the foreknowledge, and decree of God, the first cause, all things come to pass immutably and infallibly, yet, by the same providence, he ordereth them to fall out according to the nature of second causes, either necessarily, freely, or contingently.

III. God, in his ordinary providence, maketh use of means, yet is free to work without, above, and against them, at his pleasure.

IV. The almighty power, unsearchable wisdom, and infinite goodness of God, so far manifest themselves in his providence, that it extendeth itself even to the first fall, and all other sins of angels and men, and that not by a bare permission, but such as hath joined with it a most wise and powerful bounding, and otherwise ordering and governing of them, in a manifold dispensation, to his own holy ends; yet so, as the sinfulness thereof proceedeth only from the creature, and not from God; who being most holy and righteous, neither is, nor can be the author or approver of sin.

V. The most wise, righteous, and gracious God doth oftentimes leave for a season his own children to manifold temptations, and the corruption of their own hearts, to chastise them for their former sins, or to discover unto them the hidden strength of corruption and deceitfulness of their hearts, that they may be humbled; and to raise them to a more close and constant dependence for their support upon himself, and to make them more watchful against all future occasions of sin, and for sundry other just and holy ends.

VI. As for those wicked and ungodly men, whom God as a righteous judge, for former sins, doth blind and harden, from them he not only withholdeth his grace, whereby they might have been enlightened in their understandings, and wrought upon in their hearts; but sometimes also withdraweth the gifts which they had, and exposeth them to such objects as their corruption makes occasion of sin; and withal, gives them over to their own lusts, the temptations of the world, and the power of Satan: whereby it comes to pass that they harden themselves, even under those means which God useth for the softening of others.

VII. As the providence of God doth, in general, reach to all creatures; so, after a most special manner, it taketh care of his Church, and disposeth all things to the good thereof.

CHAPTER VI.

OF THE FALL OF MAN, OF SIN, AND OF THE PUNISHMENT THEREOF.

I. Our first parents, being seduced by the subtlety and temptation of Satan, sinned in eating the forbidden fruit. This their sin God was pleased, according to his wise and holy counsel, to permit, having purposed to order it to his own glory.

II. By this sin they fell from their original righteousness, and communion with God, and so became dead in sin, and wholly defiled in all the faculties and parts of soul and body.

III. They being the root of all mankind, the guilt of this sin was imputed, and the same death in sin and corrupted nature conveyed, to all their posterity, descending from them by ordinary generation.

[NOTE.—See case of John Miller, under Sec. vi, below.]

IV. From this original corruption, whereby we are utterly indisposed, disabled, and made opposite to all good, and wholly inclined to all evil, do proceed all actual transgressions.

V. This corruption of nature, during this life, doth remain in those that are regenerated: and although it be through Christ pardoned and mortified, yet both itself, and all the motions thereof, are truly and properly sin.

VI. Every sin, both original and actual, being a transgression of the righteous law of God, and contrary thereunto, doth, in its own nature, bring guilt upon the sinner, whereby he is bound over to the wrath of God, and curse of the law, and so made subject to death, with all miseries spiritual, temporal, and eternal.

1. Case of Rev. Hezekiah Balch.

The consideration of the references relative to Mr. Balch was resumed, and after some amendments made on the draught brought in by the Committee, it was adopted, and is as follows, viz.:

They remark upon the first article of the creed aforesaid that Mr. Balch is erroneous in making disinterested benevolence the only definition of holiness or true religion, because this may perplex the minds of those not accustomed to abstract speculations, is questionable in itself, and may convey the idea that an absolute God, or a God out of Christ, is the object of the highest affection to the renewed mind.

On the second article they remark that he has confounded self-love with selfishness in an abstract speculation calculated to puzzle plain Christians and lead to unprofitable disputes.

On the third article they remark that the transferring of personal sin or righteousness has never been held by Calvinistic divines, nor by any person in our Church, so far as is known to us, and therefore that Mr. Balch's observations on that subject appear to be either nugatory or calculated to mislead. With regard to his doctrine of original sin, it is to be observed that he is erroneous in representing personal corruption as not derived from Adam, making Adam's sin to be imputed to his posterity in consequence of a corrupt nature *already possessed*, and derived from *we know not what;* thus, in effect, setting aside the idea of Adam's being the federal head or representative of his descendants, and the whole doctrine of the covenant of works.

It is also manifest that Mr. Balch is greatly erroneous in asserting that the formal cause of a believer's justification is the imputation of the fruits and effects of Christ's righteousness, and not that righteousness itself, because righteousness, and that alone, is the formal demand of the law, and consequently the sinner's violation of the divine law can be pardoned only in virtue of the Redeemer's perfect righteousness being imputed to him and reckoned as his. It is also not true that the benefits of Christ's righteousness are, with strict propriety, said to be imputed at

all, as these benefits flow to and are possessed by the believer as a consequence of his justification and having an interest in the infinite merits of the Saviour.

On the fourth article no remark is necessary.

With regard to the fifth article it is to be remarked that Mr. Balch appears to confound sentiment with the mere perception of truth, whereas it always partakes of the disposition of the heart, and consequently involves in it either sin or holiness. The article as stated by him contradicts the principle laid down in the introduction to our Form of Government, and levels the important distinction between truth and falsehood so as to be liable to the construction that it is no matter what a man believes. And though Mr. Balch may not, and probably did not, intend to insinuate anything disrespectful to the Holy Scriptures, where he asserts that "there are wrong sentiments in the Bible," yet, as his expression is liable to such a construction, we judge it highly censurable.

With regard to the sixth and seventh articles, no remarks seem to be necessary, except that the offense given by the reflection cast on his brethren, the Presbyterians, in the seventh, has been sufficiently removed by his candid acknowledgment before the Synod and General Assembly.

The eighth, ninth and tenth articles require no remark, except that they appear to be unimportant.

With regard to the twelfth article it is remarked that his observation upon love as exercised by the human race, so far as it may be applicable to a state of infancy, is unintelligible, and that though a distinction may be made between regeneration and conversion, yet the terms in which the article is expressed are exceptionable, as they seem to discourage the use of the means of grace.

With regard to the thirteenth article it is remarked that in making repentance and faith to proceed wholly from love or charity, Mr. Balch has expressed an opinion unnecessary and improper.

In regard to the subject of false doctrine, in discoursing from Psalm li. 5 and Isaiah xlviii. 8, nothing seems necessary to be added to the remarks made on the subject of original sin as contained in Mr. Balch's creed, except that he charges Calvinistic divines with holding sentiments relative to infants which they do not hold; and that he makes positive declarations in regard to the state of infants, when it has pleased a wise and holy God to be silent on this subject in the revelation of his will.

In regard to the subject of indecent language alleged to have been used in the pulpit by Mr. Balch, it is remarked, that if he was not misunderstood by the witnesses, he has, notwithstanding, declared such a deep and suitable abhorrence of all such language in public discourse as renders it unnecessary to take any further notice of it.

On the whole, your Committee recommend that Mr. Balch be required to acknowledge before the Assembly that he was wrong in the publication of his creed; that in the particulars specified as above he renounce the errors therein pointed out; that he engage to teach nothing hereafter of a similar nature; that the Moderator admonish him of the divisions, disorder, trouble and inconvenience which he has occasioned to the Church and its judicatories by his imprudent and unwarrantable conduct, and warn him against doing anything in time to come that may tend to produce such serious and lamentable evils. That if Mr. Balch submit to this, he be considered as in good standing with the Church, and that the

reference and queries of the Synod of the Carolinas be considered as fully answered by the adoption of these measures.—1798, pp. 155, 156.

Mr. Balch appeared before the Assembly, acknowledged his error in publishing his creed, disavowed the errors imputed to him, and submitted to the admonition of the Assembly.—1798, p. 158. *Digest*, 1886, pp. 220–222.

2. Appeal of Rev. John Miller, D.D., from the judgment of the Synod of New Jersey.

After a full hearing of the evidence as presented by both parties in the case, the Assembly reached the decision not to sustain the appeal by the following vote: to sustain, three [3]; to sustain in part, eighteen [18]; not to sustain, two hundred and seventy-four [274].

This expression of the General Assembly approaches the nearer to practical unanimity, since, as it is understood, those who voted to sustain in part have doubts only in regard to the conclusiveness of the proof adduced for Specification No. 2, viz.:

"Mr. Miller teaches that Christ, as a child of Adam, was personally accounted guilty of Adam's sin; that, like other children of Adam, he inherited a corrupt nature; and that he needed to be, and was, redeemed by his own death."

Not to recount his own admissions and assertions in the presence of the General Assembly, it is proper to state that the multiplied evidences drawn from Mr. Miller's book conclusively established the original charge preferred by the Presbytery of New Brunswick, viz.:

"We charge Mr. Miller with publicly denying and assailing important doctrines of the Confession of Faith and the Catechisms of our Church."

Under this charge are the three following specifications:

"*Specification 1.*—Mr. Miller teaches that the soul is not immortal; that at the death of the body it dies, becomes extinct, and so continues until the resurrection.

"*Specification 2.*—Mr. Miller teaches that Christ, as a child of Adam, was personally accounted guilty of Adam's sin; that, like other children of Adam, he inherited a corrupt nature, and that he needed to be, and was, redeemed by his own death.

"*Specification 3.*—Mr. Miller teaches that there is but one person in the Godhead."

This decision of the General Assembly confirms the action of the Synod of New Jersey, which approves the resolution unanimously adopted by the Presbytery of New Brunswick, May 4, viz.:

"*Resolved*, That the Rev. John Miller, be, and hereby is, suspended from the ministry of the Presbyterian Church until such time as he shall make manifest to the satisfaction of the Presbytery his renunciation of the errors he has been found to hold, and his solemn purpose no longer to proclaim them."

Whilst the Assembly thus declare their unwavering adherence to our confessional symbols, they desire at the same time to express only the kindest feelings toward Mr. Miller; and they make this disposition of the case only because the interests of truth imperatively demand it.

While in accordance with complete freedom of conscience the General Assembly would urge upon all fidelity to our doctrinal Standards, they would, at the same time, earnestly advise any one who may entertain

views irreconcilable with our Standards to take the authorized course, after consultation with his Presbytery, and peacefully withdraw from the ministry of our Church.—1878, pp. 98, 99.

CHAPTER VII.

OF GOD'S COVENANT WITH MAN.

I. The distance between God and the creature is so great, that although reasonable creatures do owe obedience unto him as their Creator, yet they could never have any fruition of him, as their blessedness and reward, but by some voluntary condescension on God's part, which he hath been pleased to express by way of covenant.

II. The first covenant made with man was a covenant of works, wherein life was promised to Adam, and in him to his posterity, upon condition of perfect and personal obedience.

[NOTE.—See case of William C. Davis, under Chap. xi, below, p. 79.]

III. Man, by his fall, having made himself incapable of life by that covenant, the Lord was pleased to make a second, commonly called the covenant of grace: wherein he freely offereth unto sinners life and salvation by Jesus Christ, requiring of them faith in him, that they may be saved; and promising to give unto all those that are ordained unto life, his Holy Spirit, to make them willing and able to believe.

IV. This covenant of grace is frequently set forth in the Scripture by the name of a testament, in reference to the death of Jesus Christ, the testator, and to the everlasting inheritance, with all things belonging to it, therein bequeathed.

V. This covenant was differently administered in the time of the law, and in the time of the gospel: under the law it was administered by promises, prophecies, sacrifices, circumcision, the paschal lamb, and other types and ordinances delivered to the people of the Jews, all foresignifying Christ to come, which were for that time sufficient and efficacious, through the operation of the Spirit, to instruct and build up the elect in faith in the promised Messiah, by whom they had full remission of sins, and eternal salvation; and is called the Old Testament.

VI. Under the gospel, when Christ the substance was exhibited, the ordinances in which this covenant is dispensed are the preaching of the Word, and the administration of the Sacraments of Baptism and the Lord's Supper; which, though fewer in number, and administered with more simplicity and less outward glory, yet in them it is held forth in more fullness, evidence, and spiritual efficacy, to all nations, both Jews and Gentiles; and is called the New Testament. There are not, therefore, two covenants of grace differing in substance, but one and the same under various dispensations.

Case of Samuel Harker.

A reference was brought into the Synod from the New Brunswick Presbytery respecting Mr. Samuel Harker, one of their members, as having imbibed and vented certain erroneous doctrines. The further consideration of this affair is deferred till the next *sederunt*.—1758, p. 283.

[The matter was continued from year to year, Synod endeavoring to remove the difficulty and bring Mr. Harker to a sense of his error. In 1761, Mr. Harker printed and published his views, and the Synod (1762) appointed a Committee to examine the book, who reported the next year.]

The Synod proceeded to consider Mr. Harker's principles, collected from his book by the Committee, which are in substance as follows:

1. That the covenant of grace is in such a sense conditional that fallen mankind in their unregenerate state, by the general assistance given to all under the gospel, have a sufficient ability to fulfill the conditions thereof, and so by their own endeavors to ensure to themselves regenerating grace and all saving blessings.

2. That God has bound Himself by promise to give them regenerating grace upon their fulfilling what he (Mr. Harker) calls the direct conditions of obtaining it, and, upon the whole, makes a certain and an infallible connection between their endeavors and the aforesaid blessings.

3. That God's prescience of future events is previous to and not dependent on His decrees; that His decrees have no influence on His own conduct, and that the foresight of faith was the ground of the decree of election.

It is further observed that he often uses inaccurate, unintelligible and dangerous modes of expression that tend to lead people into false notions in several important matters, as that Adam was the federal father of his posterity in the second covenant as well as in the first; that the regenerate are not in a state of probation for heaven, and several such like.

The Synod judge that these principles are of a hurtful and a dangerous tendency, giving a false view of the covenant of grace, perverting it into a new modeled covenant of works, and misrepresent the doctrine of the divine decrees as held by the best reformed Churches, and, in fine, are contrary to the Word of God and our approved Standards of doctrine.—1763, p. 329.

[NOTE.—See Baird's *Digest*, pp. 624-626; Moore's *Digest*, 1886, pp. 218, 219.]

CHAPTER VIII.

OF CHRIST THE MEDIATOR.

I. It pleased God, in his eternal purpose, to choose and ordain the Lord Jesus, his only begotten Son, to be the Mediator between God and man; the prophet, priest, and king; the head and Saviour of his Church; the heir of all things, and judge of the world; unto whom he did, from all eternity, give a people to be his seed, and to be by him in time redeemed, called, justified, sanctified, and glorified.

II. The Son of God, the second person in the Trinity, being very and eternal God, of one substance, and equal with the Father, did, when the fullness of time was come, take upon him man's nature, with all the essential properties and common infirmities thereof, yet without sin: being conceived by the power of the Holy Ghost, in the womb of the Virgin Mary, of her substance. So that two whole, perfect, and distinct natures, the Godhead and the manhood, were inseparably joined together in one person, without conversion, composition, or confusion. Which person is very God and very man, yet one Christ, the only Mediator between God and man.

III. The Lord Jesus, in his human nature thus united to the divine, was sanctified and anointed with the Holy Spirit above measure: having in him all the treasures of wisdom and knowledge: in whom it pleased the Father that all fullness should dwell: to the end that being holy, harmless, undefiled, and full of grace and truth, he might be thoroughly furnished to execute the office of a Mediator and Surety. Which office he took not unto himself, but was thereunto called by his Father: who put all power and judgment into his hand, and gave him commandment to execute the same.

IV. This office the Lord Jesus did most willingly undertake: which, that he might discharge, he was made under the law, and did perfectly fulfill it; endured most grievous torments immediately in his soul, and most painful sufferings in his body; was crucified, and died; was buried, and remained under the power of death, yet saw no corruption. On the third day he arose from the dead, with the same body in which he suffered; with which also he ascended into heaven, and there sitteth at the right hand of his Father, making intercession: and shall return to judge men and angels, at the end of the world.

V. The Lord Jesus, by his perfect obedience and sacrifice of himself, which he through the eternal Spirit once offered up unto God, hath fully satisfied the justice of his Father; and purchased not only reconciliation, but an everlasting inheritance in the kingdom of heaven, for all those whom the Father hath given unto him.

VI. Although the work of redemption was not actually wrought by Christ till after his incarnation, yet the virtue, efficacy, and benefits thereof, were communicated unto the elect, in all ages successively from the beginning of the world, in and by those promises, types, and sacrifices, wherein he was revealed and signified to be the seed of the woman which should bruise the serpent's head, and the Lamb slain from the beginning of the world, being yesterday and to-day the same, and for ever.

VII. Christ, in the work of mediation, acteth according to both natures; by each nature doing that which is proper to itself: yet by reason of the unity of the person, that which is proper to one nature, is some-

times in Scripture, attributed to the person denominated by the other nature.

VIII. To all those for whom Christ hath purchased redemption, he doth certainly and effectually apply and communicate the same; making intercession for them, and revealing unto them, in and by the Word, the mysteries of salvation; effectually persuading them by his Spirit to believe and obey; and governing their hearts by his Word and Spirit; overcoming all their enemies by his almighty power and wisdom, in such manner and ways as are most consonant to his wonderful and unsearchable dispensation.

[NOTE.—See case of Thomas B. Craighead, under Chap. xi, below.]

CHAPTER IX.

OF FREE WILL.

I. God hath endued the will of man with that natural liberty, that it is neither forced, nor, by any absolute necessity of nature, determined to good or evil.

II. Man, in his state of innocency, had freedom and power to will and to do that which is good and well-pleasing to God; but yet mutably, so that he might fall from it.

III. Man, by his fall into a state of sin, hath wholly lost all ability of will to any spiritual good accompanying salvation; so as a natural man, being altogether averse from that good, and dead in sin, is not able, by his own strength, to convert himself, or to prepare himself thereunto.

IV. When God converts a sinner, and translates him into the state of grace, he freeth him from his natural bondage under sin, and, by his grace alone, enables him freely to will and to do that which is spiritually good; yet so as that, by reason of his remaining corruption, he doth not perfectly, nor only, will that which is good, but doth also will that which is evil.

V. The will of man is made perfectly and immutably free to good alone, in the state of glory only.

CHAPTER X.

OF EFFECTUAL CALLING.

I. All those whom God hath predestinated unto life, and those only, he is pleased, in his appointed and accepted time, effectually to call, by his Word and Spirit, out of that state of sin and death, in which they are by nature, to grace and salvation by Jesus Christ; enlightening their minds spiritually and savingly, to understand the things of God; taking

away their heart of stone, and giving unto them an heart of flesh; renewing their wills, and by his almighty power determining them to that which is good; and effectually drawing them to Jesus Christ, yet so as they come most freely, being made willing by his grace.

II. This effectual call is of God's free and special grace alone, not from any thing at all foreseen in man, who is altogether passive therein, until, being quickened and renewed by the Holy Spirit, he is thereby enabled to answer this call, and to embrace the grace offered and conveyed in it.

NOTE.—See case of William C. Davis, under Chap. xi, below, Doctrine v.]

III. Elect infants, dying in infancy, are regenerated and saved by Christ through the Spirit, who worketh when, and where, and how he pleaseth. So also are all other elect persons, who are incapable of being outwardly called by the ministry of the Word.

IV. Others, not elected, although they may be called by the ministry of the Word, and may have some common operations of the Spirit, yet they never truly come to Christ, and therefore cannot be saved: much less can men, not professing the Christian religion, be saved in any other way whatsoever, be they never so diligent to frame their lives according to the light of nature, and the law of that religion they do profess; and to assert and maintain that they may is very pernicious, and to be detested.

CHAPTER XI.

OF JUSTIFICATION.

I. Those whom God effectually calleth, he also freely justifieth: not by infusing righteousness into them, but by pardoning their sins, and by accounting and accepting their persons as righteous: not for anything wrought in them, or done by them, but for Christ's sake alone: not by imputing faith itself, the act of believing, or any other evangelical obedience to them, as their righteousness; but by imputing the obedience and satisfaction of Christ unto them, they receiving and resting on him and his righteousness by faith; which faith they have not of themselves, it is the gift of God.

II. Faith, thus receiving and resting on Christ and his righteousness, is the alone instrument of justification; yet is it not alone in the person justified, but is ever accompanied with all other saving graces, and is no dead faith, but worketh by love.

III. Christ, by his obedience and death, did fully discharge the debt of all those that are thus justified, and did make a proper, real, and full satisfaction to his Father's justice in their behalf. Yet, inasmuch as he was given by the Father for them; and his obedience and satisfaction

accepted in their stead; and, both, freely, not for any thing in them, their justification is only of free grace; that both the exact justice, and rich grace of God, might be glorified in the justification of sinners.

IV. God did, from all eternity, decree to justify all the elect; and Christ did, in the fullness of time, die for their sins, and rise again for their justification: nevertheless they are not justified, until the Holy Spirit doth, in due time, actually apply Christ unto them.

V. God doth continue to forgive the sins of those that are justified: and although they can never fall from the state of justification, yet they may by their sins fall under God's fatherly displeasure, and not have the light of his countenance restored unto them, until they humble themselves, confess their sins, beg pardon, and renew their faith and repentance.

VI. The justification of believers under the Old Testament was, in all these respects, one and the same with the justification of believers under the New Testament.

1. Case of Rev. William C. Davis.

An overture from the Synod of the Carolinas was referred to a Committee, whose report was adopted, as follows:

The Committee, presuming that a complete and perfect enumeration of all the objectionable parts of said book is not expected, called the attention of the Assembly only to the following doctrines, supposed to be contrary to the Confession of Faith of the Presbyterian Church:

Doctrine I. That the active obedience of Christ constitutes no part of that righteousness by which a sinner is justified, pp. 257, 261, 264, 3d corollary.

Doctrine II. That obedience to the moral law was not required as the condition of the covenant of works, pp. 178, 180.

These pages being read, the Assembly resolved that they do consider these doctrines as contrary to the Confession of our Church.

Doctrine III. God Himself is as firmly bound in duty (not obedience) to His creatures as His creatures are bound in obedience or duty to Him, pp. 164, 166. Also, that God's will is not the standard of right and wrong. If God's will is the primary rule of His own actions, He would be: 1. Entirely void of holiness; 2. There could be no justice in God; 3. It would be impossible for God to be unchangeable; 4. If the will of God is the standard of right and wrong, then it would be no infringement on the divine character to be unfaithful to His Word and promise, pp. 168–171.

These pages being read,

Resolved, That, without deciding on the question whether these sentiments are contrary to our Confession of Faith, the Assembly consider the mode in which they are expressed as unhappy, and calculated to mislead the reader.

Doctrine IV. God could not make Adam, or any other creature, either holy or unholy. Compare p. 194 with 166.

Doctrine V. Regeneration must be a consequence of faith. Faith precedes regeneration, p. 352.

Doctrine VI. Faith, in the first act of it, is not a holy act, p. 358, etc.

These pages being read,

Resolved, That the Assembly do consider the three last-mentioned doctrines contrary to the Confession of Faith of our Church.

Doctrine VII. Christians may sin willfully and habitually, pp. 532, 534.

These pages being read,

Resolved, That the Assembly consider the expressions in the pages referred to as very unguarded; and so far as they intimate it to be the author's opinion that a person may live in an habitual and allowed sin, and yet be a Christian, the Assembly consider them contrary to the letter and spirit of the Confession of Faith of our Church, and in their tendency highly dangerous.

Doctrine VIII. If God has to plant all the principal parts of salvation in a sinner's heart to enable him to believe, the "Gospel Plan" is quite out of his reach, and consequently does not suit his case; and it must be impossible for God to condemn a man for unbelief, for no just law condemns or criminates any person for not doing what he cannot do, p. 413.

This page, and several others on the same subject, being read,

Resolved, That the Assembly do consider this last-mentioned doctrine contrary to the Confession of Faith of our Church.

On the whole,

Resolved, That this Assembly cannot but view with disapprobation various parts of the work entitled "The Gospel Plan," of which William C. Davis is stated in the title-page to be the author. In several instances in this work, modes of expression are adopted, so different from those which are sanctioned by use and by the best orthodox writers, that the Assembly consider them as calculated to produce useless or mischievous speculations.

In several other instances there are doctrines asserted and advocated, as has been already decided, contrary to the Confession of Faith of our Church and the Word of God; which doctrines the Assembly feel constrained to pronounce to be of very dangerous tendency; and the Assembly do judge, and do hereby declare, that the preaching or publishing of them ought to subject the person or persons so doing to be dealt with by their respective Presbyteries, according to the discipline of the Church relative to the propagation of errors.—1810, pp. 448, 452, 453.

[NOTE.—See Baird's *Digest* (revised edition), pp. 646–648. Mr. Davis was subsequently suspended and deposed by the Presbytery of Concord, October, 1811.]

2. Case of Rev. Thomas B. Craighead.

[On an appeal from the Synod of Kentucky. After speaking of certain irregularities in the conduct both of the Synod and the appellant, they say,]

But from matters of form the General Assembly will now pass to the merits of the case; and for the sake of brevity, the first and second charges only shall be brought into view.

"Charge 1. We charge him with denying and vilifying the real agency of the Spirit in regeneration, and in the production of faith and sanctification in general."

And first they would observe that there can be no doubt that the denial of the real agency of the Spirit is a dangerous and fundamental

error; and if Mr. Craighead taught such an error, he ought to have been suspended.

The question then is, Do the passages of Mr. Craighead's sermon referred to in the charge prove that he did deny the reality of the operations of the Spirit?

Here it will be important to remark that a man cannot fairly be convicted of heresy for using expressions which may be so interpreted as to involve heretical doctrines if they may also admit of a more favorable construction, because no one can tell in what sense an ambiguous expression is used but the speaker or writer, and he has a right to explain himself; and in such cases candor requires that a court should favor the accused, by putting on his words the more favorable, rather than the less favorable, construction.

Another principle is that no man can rightly be convicted of heresy by inference or implication—that is, we must not charge an accused person with holding those consequences which may legitimately flow from his assertions. Many men are grossly inconsistent with themselves; and while it is right in argument to overthrow false opinions by tracing them in their connections and consequences, it is not right to charge any man with an opinion which he disavows.

With these principles in view, the General Assembly proceed to observe that there is abundant evidence that Mr. Craighead did deny the immediate agency of the Spirit, but no clear evidence that he denied the real agency of the Spirit. These are very different things, and the proof of the one does by no means establish the other. Immediate agency or operation is opposed to mediate. This is a well-known distinction in theology, and a point which has been greatly controverted. The Reformed Church, of which ours is a part, in all their purest times, maintained the doctrine of the immediate operation of the Spirit, not without the Word, but distinct from it, and in the order of nature preceding it. Other Protestant Churches, never charged with fundamental error, have as uniformly maintained the doctrine of a mediate agency, and those commonly believe that this operation is not occasional, but uniform, and diversified in its effects by the difference of resistance with which it meets. Neither the Presbytery nor the Synod appear to have attended sufficiently to this distinction. They appear to have thought that a denial of immediate agency was a denial of all real agency. It deserves special regard here that our Confession takes no notice of these nice distinctions about the mode in which the Holy Spirit operates. It usually mentions the Word and the Spirit together, and the former as the instrument of the latter. And they who believe in the immediate agency of the Spirit do not exclude the instrumentality of the Word; they, however, explain it in a different way from those who hold that there is no agency of the Spirit distinct from the Word. But this is the more favorable construction; there is another which, if not more probable, is more obvious. Mr. Craighead may be understood as teaching that the only real agency of the Spirit was in inspiring the Scriptures and confirming them by signs and miracles. There is much in his discourse that has this bearing, and undoubtedly this is the common impression among the people where it is best known. This was the idea of the Synod of Kentucky when they condemned him, and this is in fact denying the reality of the operation of the Spirit in our days; and whether his expressions have been fairly interpreted or not, they are

dangerous, and ought to be condemned. In justice to Mr. Craighead, however, it ought to be remembered that he utterly disclaims this meaning in his defense set up to this Assembly; and would it be fair to continue to charge upon him opinions which he solemnly disavows? Of the sincerity of his disavowal God is the judge. The conclusion is that the first charge, though supported by strong probabilities, is not so conclusively established as to remove all doubts, because the words adduced in proof will bear a different construction from that put on them by the Presbytery and Synod.

The evidence in support of the second charge is still less clear and conclusive. The charge is:

"We charge him with denying, vilifying and misrepresenting the doctrine of divine fore-ordination and sovereignty and election."

It might, perhaps, be shown by argument that Mr. Craighead uses many expressions not consistent with these doctrines; but agreeably to the principle laid down above, he must not be charged with holding these consequences unless he has avowed them. These passages of his discourse, it is true, contain erroneous and offensive things, but they do not establish the charge of denying, vilifying, etc. In one single instance he seems to deny that everything should be referred to the sovereignty of God's will, but the words in their connection may have an innocent meaning. Here again it must be observed that Mr. Craighead solemnly declares his belief in the doctrine of decrees and election as expressed in our Standards.

But whilst the General Assembly are of opinion that the charges against Mr. Craighead are not clearly and fully supported by the references, they feel it to be their duty to say that the impression which they have received from hearing extracts from this discourse are very unfavorable, and they do believe that Mr. Craighead by preaching and printing this sermon did subject himself justly to censure.

Moreover, the Assembly are of opinion that the doctrines of this sermon, in the most favorable construction, are different from those of the Reformed Churches and of our Church, and are erroneous, although the error is not of fundamental importance. They have observed also, that this discourse contains many unjust and illiberal reflections on the doctrines which have been the common and uniform belief of the great majority of the preachers and writers of the Reformed Churches. He mentions the names of a few persons as favoring the doctrine which he opposes; but he might have put into the list almost every standard writer of our own and sister Churches since the Reformation.

The sermon also contains much declamation which confounds fanaticism and piety, and representations of opinions which are true and important, so associated with error and absurdity, as to exhibit them in a ridiculous and odious light.

Finally, the General Assembly are deeply impressed with the evidences of an improper spirit and an evil tendency in this sermon, and are of opinion that Mr. Craighead ought so to retract or explain his sentiments as to afford reasonable satisfaction to his brethren.

Whereupon, *Resolved*, That as the proceedings in the case of Mr. Craighead have been, in many respects, irregular, and he has suffered much injury from the delay produced by these irregularities, and whereas, also, the charges are not so conclusively established as to remove all doubt, the General Assembly cannot see their way clear finally to

confirm the sentence of the Synod of Kentucky, although they are of the opinion that Mr. Craighead has subjected himself, by preaching and printing this sermon, to just censure. But as Mr. Craighead has had no fair opportunity of vindicating himself, or of making satisfactory explanations or retractions, therefore,

Resolved, That the whole cause be transmitted to the Presbytery of West Tennessee, in the bounds of which Mr. Craighead resides; and that they be directed to give him an early opportunity of offering that satisfaction which the Church expects, for the offense received; and that upon receiving such explanation or retractions as to them shall be satisfactory, Mr. Craighead be restored to the Gospel ministry, from which he has been suspended.—1824, pp. 122–124.

[NOTE.—Mr. Craighead was restored. See Baird's *Digest* (revised edition), pp. 649–655.]

CHAPTER XII.

OF ADOPTION.

I. All those that are justified, God vouchsafeth, in and for his only Son Jesus Christ, to make partakers of the grace of adoption: by which they are taken into the number, and enjoy the liberties and privileges of the children of God; have his name put upon them; receive the Spirit of adoption; have access to the throne of grace with boldness; are enabled to cry Abba, Father; are pitied, protected, provided for, and chastened by him as by a Father; yet never cast off, but sealed to the day of redemption, and inherit the promises, as heirs of everlasting salvation.

CHAPTER XIII.

OF SANCTIFICATION.

I. They who are effectually called and regenerated, having a new heart and a new spirit created in them, are further sanctified, really and personally, through the virtue of Christ's death and resurrection, by his Word and Spirit dwelling in them: the dominion of the whole body of sin is destroyed, and the several lusts thereof are more and more weakened and mortified; and they more and more quickened and strengthened, in all saving graces, to the practice of true holiness, without which no man shall see the Lord.

II. This sanctification is throughout in the whole man, yet imperfect in this life: there abideth still some remnants of corruption in every part, whence ariseth a continual and irreconcilable war, the flesh lusting against the spirit, and the spirit against the flesh.

III. In which war, although the remaining corruption for a time may much prevail, yet, through the continual supply of strength from the sanctifying Spirit of Christ, the regenerate part doth overcome: and so the saints grow in grace, perfecting holiness in the fear of God.

CHAPTER XIV.

OF SAVING FAITH.

I. The grace of faith, whereby the elect are enabled to believe to the saving of their souls, is the work of the Spirit of Christ in their hearts; and is ordinarily wrought by the ministry of the Word: by which also, and by the administration of the Sacraments, and prayer, it is increased and strengthened.

II. By this faith, a Christian believeth to be true, whatsoever is revealed in the Word, for the authority of God himself speaking therein: and acteth differently, upon that which each particular passage thereof containeth; yielding obedience to the commands, trembling at the threatenings, and embracing the promises of God for this life, and that which is to come. But the principal acts of saving faith are, accepting, receiving, and resting upon Christ alone for justification, sanctification, and eternal life, by virtue of the covenant of grace.

III. This faith is different in degrees, weak or strong; may be often and many ways assailed and weakened, but gets the victory; growing up in many to the attainment of a full assurance through Christ, who is both the author and finisher of our faith.

CHAPTER XV.

OF REPENTANCE UNTO LIFE.

I. Repentance unto life is an evangelical grace, the doctrine whereof is to be preached by every minister of the gospel, as well as that of faith in Christ.

II. By it a sinner, out of the sight and sense, not only of the danger, but also of the filthiness and odiousness of his sins, as contrary to the holy nature and righteous law of God, and upon the apprehension of his mercy in Christ to such as are penitent, so grieves for and hates his sins, as to turn from them all unto God, purposing and endeavoring to walk with him in all the ways of his commandments.

III. Although repentance be not to be rested in as any satisfaction for sin, or any cause of the pardon thereof, which is the act of God's free grace in Christ; yet is it of such necessity to all sinners, that none may expect pardon without it.

IV. As there is no sin so small but it deserves damnation; so there is no sin so great, that it can bring damnation upon those who truly repent.

V. Men ought not to content themselves with a general repentance, but it is every man's duty to endeavor to repent of his particular sins, particularly.

VI. As every man is bound to make private confession of his sins to God, praying for the pardon thereof; upon which, and the forsaking of them, he shall find mercy: so he that scandalizeth his brother, or the Church of Christ, ought to be willing, by a private or public confession and sorrow for his sin, to declare his repentance to those that are offended; who are thereupon to be reconciled to him, and in love to receive him.

CHAPTER XVI.

OF GOOD WORKS.

I. Good works are only such as God hath commanded in his holy Word, and not such as, without the warrant thereof, are devised by men out of blind zeal, or upon any pretense of good intention.

II. These good works, done in obedience to God's commandments, are the fruits and evidences of a true and lively faith: and by them believers manifest their thankfulness, strengthen their assurance, edify their brethren, adorn the profession of the gospel, stop the mouths of the adversaries, and glorify God, whose workmanship they are, created in Christ Jesus thereunto; that, having their fruit unto holiness, they may have the end, eternal life.

III. Their ability to do good works is not at all of themselves, but wholly from the Spirit of Christ. And that they may be enabled thereunto, besides the graces they have already received, there is required an actual influence of the same Holy Spirit to work in them to will and to do of his good pleasure: yet are they not hereupon to grow negligent, as if they were not bound to perform any duty unless upon a special motion of the Spirit; but they ought to be diligent in stirring up the grace of God that is in them.

IV. They who, in their obedience, attain to the greatest height which is possible in this life, are so far from being able to supererogate and to do more than God requires, that they fall short of much which in duty they are bound to do.

V. We cannot, by our best works, merit pardon of sin, or eternal life, at the hand of God, by reason of the great disproportion that is between them and the glory to come, and the infinite distance that is between us and God, whom by them we can neither profit, nor satisfy for the debt of our former sins; but, when we have done all we can, we have done but our duty, and are unprofitable servants; and because, as they are good, they proceed from his Spirit; and, as they are wrought by us, they are defiled and mixed with so much weakness and imperfection, that they cannot endure the severity of God's judgment.

VI. Yet notwithstanding, the persons of believers being accepted through Christ, their good works also are accepted in him, not as though

they were in this life wholly unblamable and unreprovable in God's sight; but that he, looking upon them in his Son, is pleased to accept and reward that which is sincere, although accompanied with many weaknesses and imperfections.

VII. Works done by unregenerate men, although, for the matter of them, they may be things which God commands, and of good use both to themselves and others: yet, because they proceed not from a heart purified by faith; nor are done in a right manner, according to the Word; nor to a right end the glory of God; they are therefore sinful, and cannot please God, or make a man meet to receive grace from God. And yet their neglect of them is more sinful, and displeasing unto God.

CHAPTER XVII.

OF THE PERSEVERANCE OF THE SAINTS.

I. They whom God hath accepted in his Beloved, effectually called and sanctified by his Spirit, can neither totally nor finally fall away from the state of grace; but shall certainly persevere therein to the end, and be eternally saved.

II. This perseverance of the saints depends, not upon their own free-will, but upon the immutability of the decree of election, flowing from the free and unchangeable love of God the Father; upon the efficacy of the merit and intercession of Jesus Christ; the abiding of the Spirit and of the seed of God within them; and the nature of the covenant of grace: from all which ariseth also the certainty and infallibility thereof.

III. Nevertheless they may, through the temptations of Satan and of the world, the prevalency of corruption remaining in them, and the neglect of the means of their preservation, fall into grievous sins; and for a time continue therein: whereby they incur God's displeasure, and grieve his Holy Spirit; come to be deprived of some measure of their graces and comforts; have their hearts hardened, and their consciences wounded; hurt and scandalize others, and bring temporal judgments upon themselves.

CHAPTER XVIII.

OF THE ASSURANCE OF GRACE AND SALVATION.

I. Although hypocrites, and other unregenerate men, may vainly deceive themselves with false hopes and carnal presumptions of being in the favor of God and estate of salvation; which hope of theirs shall perish: yet such as truly believe in the Lord Jesus, and love him in sincerity, endeavoring to walk in all good conscience before him, may in

this life be certainly assured that they are in a state of grace, and may rejoice in the hope of the glory of God; which hope shall never make them ashamed.

II. This certainty is not a bare conjectural and probable persuasion, grounded upon a fallible hope; but an infallible assurance of faith, founded upon the divine truth of the promises of salvation, the inward evidence of those graces unto which these promises are made, the testimony of the Spirit of adoption witnessing with our spirits that we are the children of God: which Spirit is the earnest of our inheritance, whereby we are sealed to the day of redemption.

III. This infallible assurance doth not so belong to the essence of faith, but that a true believer may wait long, and conflict with many difficulties before he be partaker of it: yet, being enabled by the Spirit to know the things which are freely given him of God, he may, without extraordinary revelation, in the right use of ordinary means, attain thereunto. And therefore it is the duty of every one to give all diligence to make his calling and election sure; that thereby his heart may be enlarged in peace and joy in the Holy Ghost, in love and thankfulness to God, and in strength and cheerfulness in the duties of obedience, the proper fruits of this assurance: so far is it from inclining men to looseness.

IV. True believers may have the assurance of their salvation divers ways shaken, diminished, and intermitted: as, by negligence in preserving of it; by falling into some special sin, which woundeth the conscience, and grieveth the Spirit; by some sudden or vehement temptation; by God's withdrawing the light of his countenance, and suffering even such as fear him to walk in darkness and to have no light: yet are they never utterly destitute of that seed of God, and life of faith; that love of Christ and the brethren; that sincerity of heart and conscience of duty; out of which, by the operation of the Spirit, this assurance may in due time be revived, and by the which, in the mean time, they are supported from utter despair.

CHAPTER XIX.

OF THE LAW OF GOD.

I. God gave to Adam a law, as a covenant of works, by which he bound him and all his posterity to personal, entire, exact, and perpetual obedience; promised life upon the fulfilling, and threatened death upon the breach of it; and endued him with power and ability to keep it.

II. This law, after his fall, continued to be a perfect rule of righteousness, and, as such, was delivered by God upon Mount Sinai in ten commandments, and written in two tables; the first four commandments containing our duty towards God, and the other six our duty to man.

III. Besides this law, commonly called moral, God was pleased to give to the people of Israel, as a Church under age, ceremonial laws, containing several typical ordinances, partly of worship, prefiguring Christ, his graces, actions, sufferings, and benefits; and partly holding forth divers instructions of moral duties. All which ceremonial laws are now abrogated under the New Testament.

IV. To them also, as a body politic, he gave sundry judicial laws, which expired together with the state of that people, not obliging any other, now, further than the general equity thereof may require.

V. The moral law doth for ever bind all, as well justified persons as others, to the obedience thereof; and that not only in regard of the matter contained in it, but also in respect of the authority of God the Creator who gave it. Neither doth Christ in the gospel any way dissolve, but much strengthen, this obligation.

VI. Although true believers be not under the law as a covenant of works, to be thereby justified or condemned; yet is it of great use to them, as well as to others; in that, as a rule of life, informing them of the will of God and their duty, it directs and binds them to walk accordingly; discovering also the sinful pollutions of their nature, hearts, and lives; so as, examining themselves thereby, they may come to further conviction of, humiliation for, and hatred against sin; together with a clearer sight of the need they have of Christ, and the perfection of his obedience. It is likewise of use to the regenerate, to restrain their corruptions, in that it forbids sin; and the threatenings of it serve to show what even their sins deserve, and what afflictions in this life they may expect for them, although freed from the curse thereof threatened in the law. The promises of it, in like manner, show them God's approbation of obedience, and what blessings they may expect upon the performance thereof, although not as due to them by the law as a covenant of works: so as a man's doing good, and refraining from evil, because the law encourageth to the one, and deterreth from the other, is no evidence of his being under the law, and not under grace.

VII. Neither are the forementioned uses of the law contrary to the grace of the gospel, but do sweetly comply with it; the Spirit of Christ subduing and enabling the will of man to do that freely and cheerfully, which the will of God, revealed in the law, requireth to be done.

CHAPTER XX.

OF CHRISTIAN LIBERTY, AND LIBERTY OF CONSCIENCE.

I. The liberty which Christ hath purchased for believers under the gospel consists in their freedom from the guilt of sin, the condemning

wrath of God, the curse of the moral law, and in their being delivered from this present evil world, bondage to Satan, and dominion of sin, from the evil of afflictions, the sting of death, the victory of the grave, and everlasting damnation; as also in their free access to God, and their yielding obedience unto him, not out of slavish fear, but a child-like love, and a willing mind. All which were common also to believers under the law: but under the New Testament, the liberty of Christians is further enlarged in their freedom from the yoke of the ceremonial law, to which the Jewish Church was subjected; and in greater boldness of access to the throne of grace, and in fuller communications of the free Spirit of God, than believers under the law did ordinarily partake of.

II. God alone is lord of the conscience, and hath left it free from the doctrines and commandments of men which are in any thing contrary to his Word, or beside it, in matters of faith or worship. So that to believe such doctrines, or to obey such commandments out of conscience, is to betray true liberty of conscience; and the requiring of an implicit faith, and an absolute and blind obedience, is to destroy liberty of conscience, and reason also.

[NOTE.—See Form of Government, Chap. i, Secs. i and vii.]

III. They who, upon pretence of Christian liberty, do practice any sin, or cherish any lust, do thereby destroy the end of Christian liberty; which is, that, being delivered out of the hands of our enemies, we might serve the Lord without fear, in holiness and righteousness before him, all the days of our life.

IV. And because the powers which God hath ordained, and the liberty which Christ hath purchased, are not intended by God to destroy, but mutually to uphold and preserve one another; they who, upon pretence of Christian liberty, shall oppose any lawful power, or the lawful exercise of it, whether it be civil or ecclesiastical, resist the ordinance of God. And for their publishing of such opinions, or maintaining of such practices, as are contrary to the light of nature; or to the known principles of Christianity, whether concerning faith, worship, or conversation; or to the power of godliness: or such erroneous opinions or practices, as either, in their own nature, or, in the manner of publishing or maintaining them, are destructive to the external peace and order which Christ hath established in the Church: they may lawfully be called to account, and proceeded against by the censures of the Church.

CHAPTER XXI.

OF RELIGIOUS WORSHIP AND THE SABBATH-DAY.

I. The light of nature showeth that there is a God, who hath lordship and sovereignty over all; is good, and doeth good unto all; and is there-

fore to be feared, loved, praised, called upon, trusted in, and served with all the heart, and with all the soul, and with all the might. But the acceptable way of worshiping the true God is instituted by himself, and so limited by his own revealed will, that he may not be worshiped according to the imaginations and devices of men, or the suggestions of Satan, under any visible representation, or any other way not prescribed in the Holy Scripture.

II. Religious worship is to be given to God, the Father, Son, and Holy Ghost; and to him alone: not to angels, saints, or any other creature: and, since the fall, not without a Mediator; nor in the mediation of any other but of Christ alone.

III. Prayer, with thanksgiving, being one special part of religious worship, is by God required of all men; and, that it may be accepted, it is to be made in the name of the Son, by the help of his Spirit, according to his will, with understanding, reverence, humility, fervency, faith, love, and perseverance; and, if vocal, in a known tongue.

IV. Prayer is to be made for things lawful, and for all sorts of men living, or that shall live hereafter; but not for the dead, nor for those of whom it may be known that they have sinned the sin unto death.

V. The reading of the Scriptures with godly fear; the sound preaching, and conscionable hearing of the Word, in obedience unto God, with understanding, faith, and reverence; singing of psalms with grace in the heart; as, also, the due administration and worthy receiving of the Sacraments instituted by Christ; are all parts of the ordinary religious worship of God: besides religious oaths, and vows, solemn fastings, and thanksgivings upon special occasions; which are, in their several times and seasons, to be used in an holy and religious manner.

VI. Neither prayer, nor any other part of religious worship, is now, under the gospel, either tied unto, or made more acceptable by, any place in which it is performed, or towards which it is directed: but God is to be worshiped everywhere in spirit and in truth; as in private families daily, and in secret each one by himself; so more solemnly in the public assemblies, which are not carelessly or willfully to be neglected or forsaken, when God, by his Word or providence, calleth thereunto.

VII. As it is of the law of nature, that, in general, a due proportion of time be set apart for the worship of God; so, in his Word, by a positive, moral and perpetual commandment, binding all men in all ages, he hath particularly appointed one day in seven for a Sabbath, to be kept holy unto him: which, from the beginning of the world to the resurrection of Christ, was the last day of the week; and, from the resurrection of Christ, was changed into the first day of the week, which in Scripture is called the Lord's Day, and is to be continued to the end of the world, as the Christian Sabbath.

VIII. This Sabbath is then kept holy unto the Lord, when men, after

a due preparing of their hearts, and ordering of their common affairs beforehand, do not only observe an holy rest all the day from their own works, words, and thoughts, about their worldly employments and recreations; but also are taken up the whole time in the public and private exercise of his worship, and in the duties of necessity and mercy.

[Note.—See Directory for Worship, Chaps. i, iii, iv, vii, viii and xv.]

CHAPTER XXII.

OF LAWFUL OATHS AND VOWS.

I. A lawful oath is a part of religious worship, wherein, upon just occasion, the person swearing, solemnly calleth God to witness what he asserteth or promiseth; and to judge him according to the truth or falsehood of what he sweareth.

II. The name of God only is that by which men ought to swear, and therein it is to be used with all holy fear and reverence; therefore to swear vainly or rashly by that glorious and dreadful name, or to swear at all by any other thing, is sinful and to be abhorred. Yet as, in matters of weight and moment, an oath is warranted by the Word of God, under the New Testament, as well as under the Old; so a lawful oath, being imposed by lawful authority, in such matters, ought to be taken.

[Note.—For the form of the oath or affirmation, see Book of Discipline, Chap. viii, Sec. 61, p. 672.]

III. Whosoever taketh an oath ought duly to consider the weightiness of so solemn an act, and therein to avouch nothing but what he is fully persuaded is the truth. Neither may any man bind himself by oath to any thing but what is good and just, and what he believeth so to be, and what he is able and resolved to perform. Yet it is a sin to refuse an oath touching any thing that is good and just, being imposed by lawful authority.

IV. An oath is to be taken in the plain and common sense of the words, without equivocation or mental reservation. It cannot oblige to sin; but in any thing not sinful, being taken, it binds to performance, although to a man's own hurt: nor is it to be violated, although made to heretics or infidels.

V. A vow is of the like nature with a promissory oath, and ought to be made with the like religious care, and to be performed with the like faithfulness.

VI. It is not to be made to any creature, but to God alone: and, that it may be accepted, it is to be made voluntarily; out of faith and conscience of duty; in way of thankfulness for mercy received; or for obtaining of what we want: whereby we more strictly bind ourselves to

necessary duties; or to other things, so far and so long as they may fitly conduce thereunto.

VII. No man may vow to do anything forbidden in the Word of God, or what would hinder any duty therein commanded, or which is not in his own power, and for the performance whereof he hath no promise or ability from God. In which respects, popish monastical vows of perpetual single life, professed poverty, and regular obedience, are so far from being degrees of higher perfection, that they are superstitious and sinful snares, in which no Christian may entangle himself.

CHAPTER XXIII.

OF THE CIVIL MAGISTRATE.

I. God, the Supreme Lord and King of all the world, hath ordained civil magistrates to be under him over the people, for his own glory and the public good; and, to this end, hath armed them with the power of the sword, for the defence and encouragement of them that are good, and for the punishment of evil doers.

II. It is lawful for Christians to accept and execute the office of a magistrate, when called thereunto: in the managing whereof, as they ought especially to maintain piety, justice, and peace, according to the wholesome laws of each commonwealth; so, for that end, they may lawfully, now under the New Testament, wage war upon just and necessary occasions.

III. Civil magistrates may not assume to themselves the administration of the Word and Sacraments; or the power of the keys of the kingdom of heaven; or, in the least, interfere in matters of faith. Yet, as nursing fathers, it is the duty of civil magistrates to protect the Church of our common Lord, without giving the preference to any denomination of Christians above the rest, in such a manner that all ecclesiastical persons whatever shall enjoy the full, free, and unquestioned liberty of discharging every part of their sacred functions, without violence or danger. And, as Jesus Christ hath appointed a regular government and discipline in his Church, no law of any commonwealth should interfere with, let, or hinder, the due exercise thereof, among the voluntary members of *any* denomination of Christians, according to their own profession and belief. It is the duty of civil magistrates to protect the person and good name of all their people, in such an effectual manner as that no person be suffered, either upon pretence of religion or of infidelity, to offer any indignity, violence, abuse, or injury to any other person whatsoever: and to take order, that all religious and ecclesiastical assemblies be held without molestation or disturbance.

IV. It is the duty of people to pray for magistrates, to honor their persons, to pay them tribute and other dues, to obey their lawful commands, and to be subject to their authority, for conscience' sake. Infidelity or difference in religion, doth not make void the magistrate's just and legal authority, nor free the people from their due obedience to him: from which ecclesiastical persons are not exempted; much less hath the Pope any power or jurisdiction over them in their dominions, or over any of their people; and least of all to deprive them of their dominions or lives, if he shall judge them to be heretics, or upon any other pretence whatsoever.

[NOTE.—See "Testimony of the Assembly on the Outbreak of the Civil War," *Digest*, 1886, pp. 235, 236; *Minutes*, 1861, p. 446, N. S. See, also, under Form of Government, Chap. viii, Sec. ii, p. 154.]

CHAPTER XXIV.

OF MARRIAGE AND DIVORCE.

I. Marriage is to be between one man and one woman: neither is it lawful for any man to have more than one wife, nor for any woman to have more than one husband, at the same time.

[NOTE.—See *Directory for Worship*, Chap. xii, Sec. iii.]

1. A minister, having married again, required to cease officiating until proof is furnished of the death of his first wife.

The business concerning Mr. Van Vleck and his people again taken into consideration.

It was concluded that after the Presbytery had examined the several evidences brought in relation to the crime of bigamy, alleged against Mr. Van Vleck, as also the exceptions offered by the said Van Vleck against the evidences and in vindication of himself, the Presbytery not finding the evidences clear and positive enough to prove the crime against him, and yet Mr. Van Vleck's vindication not sufficient to take off the scandal wholly, do therefore, till such time as Mr. Van Vleck bring satisfying proof of his first wife's death, for the honor of the Gospel, advise that he do not officiate as a minister of the Gospel—1712, p. 26.

2. A bigamist to be excluded from the privileges of the Church. Willful desertion a just cause for divorce. If just cause exist and divorce be refused, the Church may receive him.

[NOTE.—See the case stated, *Digest*, 1886, p. 812; *Minutes*, 1790, p. 28.]

3. Deliverances on polygamy and Mormonism.

Polygamy a criminal offence, and to be suppressed.

a. *Overture.*—The Committee also recommended the adoption of the following preamble and resolutions, referred to them by the Assembly:

Whereas, By a recent decision of the Supreme Court of the United States, the sin of polygamy has been declared to be a criminal offence against the Constitution and the laws of our country, and under it prosecution and conviction have followed;

Resolved, 1. That this Assembly hereby records its grateful acknowledgment to God that the legal status of this affront to our Christian civilization and this menace to our social order has been finally determined, and so determined as to declare the laws and the policy of our country, in respect to this crime, to be in accord with the conscientious convictions of all patriotic and Christian men.

Resolved, 2. That this Assembly earnestly invokes the continued and persistent efforts of all executive officials for the maintenance and the execution of this law, and hereby also appeals to the patriotic Christian men and women of our land to use their united influence in support of that public sentiment, now formulated into legal enactment, which has exposed the pretence of this monstrous practice to be a religious observance, and which justly holds it to companionship with other vices which are the contempt and abhorrence of mankind.

Resolved, 3. That these resolutions be transmitted to the Assemblies now in session at Louisville and Memphis, with a request for concurrent action.

Resolved, 4. That these resolutions be transmitted, as an official expression from this body, to His Excellency the President of the United States.—Adopted 1879, pp. 586, 587.

b. *Overture.*—In reply to the overture on Mormonism, we recommend the adoption of the following:

Resolved, That, inasmuch as the General Assembly of 1879 expressed its abhorrence of the abominations of Mormonism in the action taken on the subject of polygamy, and did further heartily commend the steps taken by the civil power towards the total suppression of this great iniquity, it is deemed unnecessary for this Assembly to make any further deliverance in this matter, other than to express its earnest hope that the General Government will use its utmost endeavor to wipe out the last vestige of this monstrous evil at the earliest practicable period.—Adopted. 1880, p. 77.

c. *Overtures* from the Presbyteries of Chicago and Logansport, praying the Assembly to take further action on the subject of polygamy. Your Committee would respectfully offer the following for adoption by the Assembly:

Action, condemnatory of polygamy, has been taken at several recent meetings of the Assembly. Yet, as the practice of this vice continues, not only unsuppressed but unabated, within the bounds of our national territory, and since a recent decision of the Supreme Court of the United States makes the attempt to strike it more difficult than before, the Assembly feels that silence on the subject would now be inexcusable. This enormous wickedness has gradually grown through a period of years, organizing itself into a government for its own defence, under the eye of the National Government, until it has gained sufficient force to defy the legislative and executive power of the nation. It now stands more haughty and resolved than ever. Its efforts to strengthen itself by immigration of the weak and ignorant from Europe, and by despotic suppression of liberty among its votaries and victims, are systematically exerted. For its own fortification, it is forcing its way from its original stronghold into adjacent territory, where, unobserved, it may take root and fasten on the land by finding quiet recognition in local laws.

Its spirit grows, with age, no less hostile to the law of Christianity, to the instincts of morality, to the essential principles of civilization, and

to the existence of liberty for the people. It is condemned alike by the Church, by the State, by the family, and by the individual conscience. It is abhorred by God. It seems all the more detestable because it hides its crime for shelter under the sacred garb of religion. It is growing as slavery grew, from infancy to maturity of grasp upon the national life. The terrible conflict required for the extermination of the one should sound timely warning as to the latent perils of the other. The Territories in which polygamy yet exists are under the control of the President and of Congress, *i. e.*, of the National Government. The nation, as such, is therefore responsible for its continuance. The Christian citizens of the nation bear their share in this common responsibility.

Should these Territories once become States, with polygamy maintained, the difficulty of reaching it would be vastly heightened. They are rapidly increasing in wealth and in population, and will soon be knocking for admission as States at the national door. Efficient action for its obliteration must then, if taken at all, begin without delay.

1. We, therefore, as an Assembly, solemnly protest before God and before men against this heinous and abominable crime, as a foul blot on the face of our country, for the existence of which God will hold the nation to account, and for which He will surely call it into judgment except the evil be speedily abated.

2. We rejoice in the determination of the President of the United States, as expressed in his inaugural address, to deal vigorously with this iniquity. And we assure him of our sympathy and support in all lawful and just efforts for its extinction, praying him not to withhold his hand.

3. We reiterate our hearty approval of the stand taken by Governor Murray of Utah and his counselors, and by the United States courts of the Territory, in hostility to polygamous marriages.

4. We respectfully memorialize the National Legislature to enact whatever laws may seem most wise and most efficient for the utter obliteration of this vice, whether as an organized system or as an individual practice.

5. And we urge our own members, without respect to party lines, zealously to exert their influence in every lawful method for the enactment of an amendment to the national Constitution that shall forever forbid the existence of polygamy in the nation.

Your Committee would also recommend that a copy of this action be officially laid before the President of the United States and the presiding officers of the two houses of Congress, as conveying the unanimous sentiment of the ministry and membership of the Presbyterian Church in the United States.—Adopted 1881, pp. 549, 550.

d. The Special Committee on Mormonism respectfully recommend to the General Assembly the adoption of the following resolutions:

Resolved, 1. That the Presbyterian Church regards the doctrines and practices of the Mormon institution with loathing and abhorrence, and the continued existence, in this country and age, of an organization that encourages and defends polygamy as a foul blot on our national character and institutions.

2. That we have noticed with great gratification the recent vigorous action of Congress in the enactment of laws for the suppression of this great evil, and look with confidence to the Government of the United States for their prompt and vigorous execution.

3. That, in view of our profound conviction that the National Legis-

lature will succeed in removing this evil, only when accompanied by the spread of the Gospel of Christ, this Assembly, while commending the Board of Home Missions for its past efforts, urges still greater effort in all the territory in which Mormonism and polygamy exist.—Adopted 1882, pp. 65, 66.

III. Marriage is ordained for the mutual help of husband and wife; for the increase of mankind with a legitimate issue, and of the Church with an holy seed; and for the preventing of uncleanness.

IV. It is lawful for all sorts of people to marry who are able with judgment to give their consent; yet it is the duty of Christians to marry only in the Lord. And, therefore, such as profess the true reformed religion should not marry with infidels, papists or other idolaters; neither should such as are godly be unequally yoked, by marrying with such as are notoriously wicked in their life, or maintain damnable heresies.

1. Marriage of converts with heathen. The Presbyteries to judge.

A memorial from the Presbytery of Ningpo in China, asking for advice from this General Assembly on the subject of the marriage of professing Christians with the heathen.

The Committee recommended that it be answered as follows:

In performing the work of missions among the heathen, many difficulties will arise which will require great wisdom and forbearance, and which can only be overcome by a wise application of Scriptural rules. Of this kind are the cases respecting marriage, which will frequently occur so long as the great majority of the people are heathen. And this application of these rules must be made with a sound discretion, and be very much modified by particular circumstances. That the apostolical direction, "be not unequally yoked together with unbelievers," is the advice of the Lord by the apostle, and is to be observed carefully in all cases, as far as practicable, is true. But like other divine injunctions, it must be applied in all cases with due consideration of circumstances. It is not, therefore, in the circumstances stated in the overture, to be regarded as sinful universally and necessarily for a Christian to marry a heathen; nor is a Christian to be subjected to discipline on this account, unless the circumstances show criminality and require the infliction of censure, of which circumstances the missionaries are the best judges. [The overture was] referred back to the Presbytery of Ningpo.—1850, pp. 458, 482, O. S.

IV. Marriage ought not to be within the degrees of consanguinity or affinity forbidden in the Word; nor can such incestuous marriages ever be made lawful by any law of man, or consent of parties, so as those persons may live together as man and wife.

Prior to 1887, Section iv, Chap. xxiv, read:

Marriage ought not to be within the degrees of consanguinity or affinity forbidden in the Word; nor can such incestuous marriages ever be made lawful by any law of man or consent of parties, so as those persons may live together as man and wife. The man may not marry any of his wife's kindred nearer in blood than he may of his own, nor the woman of her husband's kindred nearer in blood than of her own.

In that year the following amendment was adopted:

Whereas, One hundred and fifty-six (156) Presbyteries, being more than two-thirds of the Presbyteries under the care of the General Assembly, have, in writing, approved of an amendment to Chapter xxiv, Section iv, of the Confession of Faith, by striking out the last period thereof; therefore, be it enacted by the General Assembly that the following words: "The man may not marry any of his wife's kindred nearer in blood than he may of his own, nor the woman of her husband's kindred nearer in blood than her own," be and are hereby stricken from Chapter xxiv, Section iv, of the Confession of Faith.

[NOTE.—The section as amended was referred to a Committee to consider and report if any further action was necessary to accomplish the purpose aimed at. The Committee reported that the purpose aimed at in the amendment was "To remove any obstacles that may have existed to the marriage of a deceased wife's sister," and that in their judgment no further action by the Church was now needed.—1887, p. 138. For Decisions, and Deliverances under Sec. iv prior to its amendment, see under Directory for Worship, *Digest* of 1886, pp. 814–818. The following case does not come under the intent of the amendment.]

1. Marriage with a sister's daughter.

The report of the Committee on Bills and Overtures in answer to the two questions, "May a man, in accordance with the teachings of the Scriptures, marry a daughter of his own sister?" and "When members of the Church have contracted such a marriage, may they still retain their standing in the Church?" was taken up for consideration.

Resolved, 1. That the first question be answered in the negative, such marriages being evidently contrary to the teachings of the Scripture, and incestuous. See Lev. xviii. 6, 12, 13.

Resolved, 2. That the second question in the overture be answered as follows, viz., in the judgment of this Assembly, such a connection as is contemplated by the overture demands the judicial action of the Church, and, if not repented of, should incur Church censure.—1853, p. 339, N. S.

V. Adultery or fornication, committed after a contract, being detected before marriage, giveth just occasion to the innocent party to dissolve that contract. In the case of adultery after marriage, it is lawful for the innocent party to sue out a divorce, and after the divorce to marry another, as if the offending party were dead.

1. In divorce for adultery the innocent party may marry again.

The following question, referred to Synod by the Presbytery of Donegal for their decision, was brought in by the Committee of Overtures, viz.:

Whether, on full proof of adultery by one party, the Presbytery has a right to declare the marriage so far void as that the innocent party may marry again without being liable to Church censure?

And after some time spent in debating the case, it was moved and agreed that each member should speak to the question in the order of the roll. After which the vote was put, and the question carried in the affirmative, by a small majority.—1785, p. 509.

VI. Although the corruption of man be such as is apt to study arguments, unduly to put asunder those whom God hath joined together in marriage; yet nothing but adultery, or such willful desertion as can no

way be remedied by the Church or civil magistrate, is cause sufficient of dissolving the bond of marriage: wherein a public and orderly course of proceeding is to be observed; and the persons concerned in it not left to their own wills and discretion in their own case.

1. Marriage with a woman divorced for cause other than adultery.

[The Assembly, by a vote of 106 to 52, sustained the complaint of the Presbytery of Des Moines, in the case of Rev. James H. Shields. The minute adopted states the case—]

In the year 1853, Maria C. Cowles presented a petition under oath to the District Court of Wayne county, Iowa, praying for a divorce from her husband, William A. Cowles, in which it was stated substantially, that she had been lawfully married to said Cowles in January, 1839, in the State of Massachusetts; that they had lived together there until August, 1851, when she separated herself from him, and proceeded to Iowa, where she has since resided. That, previous to her departing from him in 1851, her husband was in the habit of becoming intoxicated, and when so intoxicated, was ill-natured and abusive—so much so that her situation as his wife became intolerable; and she had been under the necessity of leaving his house, and of making her own living since that time, the defendant having neglected to make provision for her support since the period of her separation from him. No pertinent proof of the truth of these allegations was made; but the court, notwithstanding, granted her a divorce *a vinculo matrimonii;* when James H. Shields, then a member of the Presbytery of Des Moines, being cognizant of all the facts in the case, was married to the said Maria C. Cowles, and has continued to cohabit with her as his wife. In April, 1856, the Presbytery instituted proceedings against him for adultery, and finally convicted him of that offence, and deposed him from the ministry and excommunicated him from the Church. Thereupon the said Shields appealed to the Synod of Iowa, who reversed the decision of Presbytery. The case is before this General Assembly on a complaint of the Rev. Thompson Bird, on behalf of the Presbytery, against the action of Synod.

In view of all the testimony brought before the Assembly, the complaint is sustained.

It has not been made to appear that the said Maria C. Cowles attempted to establish the fact of *adultery* against her husband, William A. Cowles. Neither has there been proved "*such willful desertion*" on his part, "*as can no way be remedied by the Church or civil magistrate,*" as is recognized in the Confession of Faith (Chap. xxiv, Sec. vi), as "*cause sufficient of dissolving the bond of marriage.*"

The General Assembly do, therefore, consider that the said James H. Shields was properly convicted of adultery; and the decision of the Synod of Iowa in this case is hereby reversed, and the judgment of the Presbytery of Des Moines therein confirmed.

The Assembly, whilst rendering this decision, takes occasion to call the attention of the churches under its care to a tendency, manifest in some portions of our country, to relax the sacredness of the marriage tie. Lying, as the institution of marriage does, at the very foundation of order, purity and prosperity in the State and in the Church, the Assembly cannot view without abhorrence any attempt to diminish its

sanctity or to extend beyond the warrant of the Holy Scriptures the grounds of divorce.—1858, pp. 599, 600, N. S.

2. Marriage on a divorce obtained on other than Scriptural grounds.

The Assembly resumed the consideration of the appeal of the Rev. George Sheldon.

The original parties having been fully heard, the roll was called, and opportunity was given to the members of the Assembly to express their opinions on the case. After which the final vote was taken, and the appeal was not sustained, nineteen voting in the affirmative, and fifty-four in the negative.—1858, p. 607, N. S.

[Mr. Sheldon was deposed by the Presbytery of Portage, on the ground of adultery, in having married a second wife during the life of his first wife, from whom he had obtained a divorce in the civil courts, in the judgment of the Presbytery on other than Scriptural grounds. From the decision of the Presbytery he took an appeal to the Synod of the Western Reserve. The Synod decided as follows, viz.:

After a full and patient hearing of the whole case of appeal by George Sheldon, from the Presbytery of Portage, the Synod are constrained to believe that the decision of the Presbytery was just; and that the Presbytery conducted the case with as much order and tenderness as the inherent difficulties of the case would admit.]

In view of the whole case:

Resolved, That the decision of the Presbytery of Portage be sustained. —1858, p. 607, N. S.

3. Deliverance on marriage, divorce and infanticide.

a. Overture No. 44, relating to unscriptural views of marriage, divorce and infanticide. The Committee recommends the following, which was adopted:

The Committee on Bills and Overtures, to which was referred the paper relating to divorce and infanticide, begs leave to report that it recommends the adoption of the following:

That it is with great pain we are constrained to admit the increasing prevalence in many parts of our country of unscriptural views of the marriage relation, in consequence of which the obligations of that relation are disregarded by many, and separations of husband and wife and divorces for slight and unwarrantable reasons are becoming more frequent every year. Nor can we shut our eyes to the fact that the horrible crime of infanticide, especially in the form of destruction by parents of their own offspring before birth, also prevails to an alarming extent. The evils which these errors and crimes have already brought upon our country, and the worse evils which they threaten in the near future, make it imperative, as we believe, that the whole power of the ministry and Church of Jesus Christ should be put forth in maintenance of the truth and of virtue in regard to these things. Many causes have operated to produce a corruption of the public morals so deplorable, prominent among which may be mentioned the facility with which divorces may be obtained in some of the States, the constant promulgation of false ideas of marriage and its duties by means of books, lectures, etc., and the distribution through the mails of impure publications. But an influence not less powerful than any of these is the growing

devotion to fashion and luxury of this age, and the idea which practically obtains to so great an extent that pleasure, instead of the glory of God and the enjoyment of his favor, is the great object of life. It is, therefore, the duty of the Church of Christ to oppose in every practicable way, these and all other corrupting agencies and tendencies, and we especially urge upon all ministers of the Gospel the duty of giving instruction to the people of their respective charges as to the Scriptural doctrine concerning the marriage relation. We warn them against joining in wedlock any who may have been divorced upon other than Scriptural grounds. We also enjoin upon church sessions the exercise of due discipline in the cases of those members who may be guilty of violating the law of Christ in this particular.

This Assembly regards the destruction by parents of their own offspring before birth with abhorrence, as a crime against God and against nature; and as the frequency of such murders can no longer be concealed, we hereby warn those that are guilty of this crime that, except they repent, they cannot inherit eternal life. We also exhort those who have been called to preach the Gospel, and all who love purity and the truth, and who would avert the just judgments of Almighty God from the nation, that they be no longer silent or tolerant of these things, but that they endeavor by all proper means to stay the floods of impurity and cruelty.

We call upon all to remember that marriage is honorable not only in itself, but in its ends. Therefore all who seek to avoid the responsibilities and cares connected with the bringing up of children not only deprive themselves of one of the greatest blessings of life, and fly in the face of God's decrees, but do violence to their own natures, and will be found out of their sins even in this world.—1869, p. 937, O. S.

b. From the Presbytery of Cleveland on divorce. Recommending that the Assembly refer, in reply, to the deliverances already made in full on the subject, as published in the *Digest* [1873], pp. 494, 682, 683.—Adopted 1874, p. 26.

c. The following resolution was adopted:

Whereas, The preservation of the marriage relation as an ordinance of God is essential to social order, morality and religion; and,

Whereas, That relation, in the popular mind, is shorn of its divine sanctions, to such an extent, that, not only are its sacred bonds often sundered for insufficient and trifling reasons, but the action of the civil courts, and the divorce laws in many of the States, are in direct contravention of the law of God; therefore be it

Resolved, That the General Assembly hereby bears testimony against this immorality, and earnestly advises the churches and Presbyteries under its care to use all proper measures to correct this widespread evil. —1883, p. 689; 1885, p. 639.

CHAPTER XXV.

OF THE CHURCH.

I. The catholic or universal Church, which is invisible, consists of the whole number of the elect, that have been, are, or shall be gathered

into one, under Christ the head thereof; and is the spouse, the body, the fullness of him that filleth all in all.

II. The visible Church, which is also catholic or universal under the gospel (not confined to one nation, as before under the law), consists of all those throughout the world, that profess the true religion, together with their children; and is the kingdom of the Lord Jesus Christ, the house and family of God, out of which there is no ordinary possibility of salvation.

III. Unto this catholic visible Church, Christ hath given the ministry, oracles, and ordinances of God, for the gathering and perfecting of the saints, in this life, to the end of the world: and doth by his own presence and Spirit, according to his promise, make them effectual thereunto.

IV. This catholic Church hath been sometimes more, sometimes less, visible. And particular churches, which are members thereof, are more or less pure, according as the doctrine of the gospel is taught and embraced, ordinances administered, and public worship performed more or less purely in them.

V. The purest churches under heaven are subject both to mixture and error: and some have so degenerated, as to become no churches of Christ, but synagogues of Satan. Nevertheless, there shall be always a Church on earth, to worship God according to his will.

VI. There is no other head of the Church but the Lord Jesus Christ. Nor can the Pope of Rome, in any sense be head thereof; but is that antichrist, that man of sin, and son of perdition, that exalteth himself, in the Church, against Christ, and all that is called God.

1. The Roman Catholic Church essentially apostate.

Resolved, That this Assembly, in full accordance with the words of our Confession of Faith respecting the Church of Rome and its so-called spiritual head, do now reaffirm the deliverance, upon this subject, of the Assembly of 1835, as applying to that Roman hierarchy headed by the pope, falsely claiming to be the Church; which, opposed absolutely and irreconcilably to the doctrines of Holy Scripture, is corrupting and degrading a large part of Christ's Church over which it has usurped supreme control.—1879, p. 630.

The deliverance (of 1835) referred to is as follows:

1. *Resolved*, That it is the deliberate and decided judgment of this Assembly that the Roman Catholic Church has essentially apostatized from the religion of our Lord and Saviour Jesus Christ, and therefore cannot be recognized as a Christian Church.

2. *Resolved*, That it be recommended to all in our communion to endeavor, by the diffusion of light by means of the pulpit and the press, and all other proper and Christian means, to resist the extension of Romanism, and lead its subjects to the knowledge of the truth as it is taught in the Word of God.

3. *Resolved*, That it is utterly inconsistent with the strongest obligations

of Christian parents to place their children for education in Roman Catholic seminaries.—1835, p. 490.

[NOTE.—See Confession, Chap. xxviii, No. 7, and Directory for Worship, Chap. viii, Sec. i.]

2. The Salvation Army not a Church.

Overture on the recognition of the Salvation Army as a Church, from the Presbytery of Denver. It is recommended that the Assembly recognize with thankfulness the work done by the Salvation Army. But as they make no claim to be a Church, no action is necessary. Adopted. —1895, p. 76.

3. Declaration of principles as to Church unity.

a. All believers in Christ constitute one body, mystical, yet real, and destined to grow into the fullness of Him who filleth all in all.

b. The universal visible Church consists of all those throughout the world who profess the true religion, together with their children.

c. Mutual recognition and reciprocity between the different bodies who profess the true religion is the first and essential step towards practical Church unity.—1887, p. 133; 1894, p. 29.

CHAPTER XXVI.

OF THE COMMUNION OF SAINTS.

I. All saints that are united to Jesus Christ their head, by his Spirit and by faith, have fellowship with him in his graces, sufferings, death, resurrection, and glory: and, being united to one another in love, they have communion in each other's gifts and graces; and are obliged to the performance of such duties, public and private, as do conduce to their mutual good, both in the inward and outward man.

II. Saints, by profession, are bound to maintain an holy fellowship and communion, in the worship of God, and in performing such other spiritual services as tend to their mutual edification; as also in relieving each other in outward things, according to their several abilities and necessities. Which communion, as God offereth opportunity, is to be extended unto all those, who, in every place, call upon the name of the Lord Jesus.

III. This communion which the saints have with Christ, doth not make them in any wise partakers of the substance of his Godhead, or to be equal with Christ in any respect: either of which to affirm, is impious and blasphemous. Nor doth their communion one with another, as saints, take away, or infringe the title or property which each man hath in his goods and possessions.

CHAPTER XXVII.

OF THE SACRAMENTS.

I. Sacraments are holy signs and seals of the covenant of grace, immediately instituted by God, to represent Christ and his benefits, and to confirm our interest in him: as also to put a visible difference between those that belong unto the Church, and the rest of the world; and solemnly to engage them to the service of God in Christ, according to his Word.

II. There is in every Sacrament a spiritual relation, or sacramental union, between the sign and the thing signified; whence it comes to pass, that the names and effects of the one are attributed to the other.

III. The grace which is exhibited in or by the Sacraments, rightly used, is not conferred by any power in them; neither doth the efficacy of a Sacrament depend upon the piety or intention of him that doth administer it, but upon the work of the Spirit, and the word of institution, which contains, together with a precept authorizing the use thereof, a promise of benefit to worthy receivers.

IV. There be only two Sacraments ordained by Christ our Lord in the gospel, that is to say, Baptism and the Supper of the Lord: neither of which may be dispensed by any, but by a minister of the Word, lawfully ordained.

[NOTE.—See Directory for Worship, Chap. viii, Sec. i.]

V. The Sacraments of the Old Testament, in regard of the spiritual things thereby signified and exhibited, were, for substance, the same with those of the New.

CHAPTER XXVIII.

OF BAPTISM.

I. Baptism is a Sacrament of the New Testament, ordained by Jesus Christ, not only for the solemn admission of the party baptized into the visible Church, but also to be unto him a sign and seal of the covenant of grace, of his ingrafting into Christ, of regeneration, of remission of sins, and of his giving up unto God, through Jesus Christ, to walk in newness of life: which Sacrament is, by Christ's own appointment, to be continued in his Church until the end of the world.

II. The outward element to be used in this Sacrament is water, wherewith the party is to be baptized in the name of the Father, and of the Son, and of the Holy Ghost, by a minister of the gospel, lawfully called thereunto.

1. Ruling elders may not administer sealing ordinances.

Overture from the Presbytery of Peoria on the authority of ruling elders to administer sealing ordinances. The Committee recommend

that they be referred to the Standards, Directory for Worship, Chap. viii, Sec. i, and Chap. ix, throughout.

Adopted.—1870, p. 22.

2. Baptism by an impostor null and invalid.

Whereas, A certain person pretending at Egg Harbor to be a minister regularly ordained among the Presbyterians, under that character baptized some adults and infants, and it appearing to the Synod that his pretences were false, having at that time no license or ordination, it is our opinion that all the Gospel ordinances he administered under that false and pretended character are null and invalid.—1752, p. 249.

3. By a profligate.—Cases to be judged of by the Session.

The following question was proposed by the Committee of Overtures, viz.:

Ought such persons to be rebaptized as have been offered in baptism by notoriously profligate parents, and baptized by ministers of the same description?

Resolved, That it is a principle of the Church that the unworthiness of the ministers of the Gospel does not invalidate the ordinances of religion dispensed by them. It is also a principle that as long as any denomination of Christians is acknowledged by us a Church of Christ, we ought to hold the ordinances dispensed by it as valid, notwithstanding the unworthiness of particular ministers. Yet, inasmuch as no general rule can be made to embrace all circumstances, there may be irregularities in particular administrations by men not yet divested of their office, either in this or in other Churches, which may render them null and void. But as these irregularities must often result from circumstances and situations that cannot be anticipated and pointed out in the rule, they must be left to be judged of by the prudence and wisdom of church sessions and the higher judicatories to which they may be referred. In such cases, it may be advisable to administer the ordinance of baptism in a regular manner, where a profane exhibition of the ceremony may have been attempted. These cases and circumstances, however, are to be inquired into by the church sessions, and referred to a Presbytery before a final decision.—1790, p. 26.

4. Unitarian Baptism.

A person who had been baptized in infancy by Dr. Priestly applied for admission to the Lord's table. Should the baptism administered by Dr. Priestly, then a Unitarian, be considered valid?

Resolved, That this question be answered in the negative.

In the present state of our country, whilst Unitarian errors in various forms are making their insidious approaches; whilst the advocates of this heresy in many cases are practicing a system of concealment, and insinuating themselves into the confidence of multitudes who have no suspicion of their defection from the faith, the Assembly feel it to be their duty to speak without reserve.

It is the deliberate and unanimous opinion of this Assembly that those who renounce the fundamental doctrine of the Trinity, and deny that Jesus Christ is the same in substance, equal in power and glory with the Father, cannot be recognized as ministers of the Gospel; and that their ministrations are wholly invalid.—1814, p. 549.

5. By a minister after he is deposed.

A reference from the Presbytery of Hudson, requesting of the Assembly an answer to the following question, was received and read, viz.:

Is baptism administered by a minister after he is deposed from office valid?

Resolved, That in answer to this question, the Presbytery be referred to Chap. vii [viii], Sec. i, of the Directory for Public Worship.—1819, p. 701.

6. By a suspended minister.

The following overture was presented by the Committee of Overtures, viz.: "Can a Presbytery consistently acknowledge as valid the ordinance of baptism as administered by those who are regularly suspended by a higher judicatory of the Church?

"If not, how are we to regard the baptism of the Cumberland Presbyterians?"

The Assembly resumed the consideration of the report of the Committee on the overture respecting the Cumberland Presbyterians. After considerable discussion, the report of the Committee was adopted, and is as follows, viz.:

1. That in the opinion of this Assembly, ministers of the Presbyterian Church, when regularly suspended by the competent judicatories, have no right to exercise the functions of a minister during that suspension.

2. That while those persons styling themselves the Cumberland Presbytery were under suspension, their administrations are to be considered as invalid; but after the General Assembly have declared them to be no longer connected with our Church, their administrations are to be viewed in the same light with those of other denominations not connected with our body. This decision is grounded on the opinion that the Act of the Assembly of 1814 precluded the propriety of deposition, or any other process in the case.—1825, pp. 145, 156.

7. The question, Is Baptism in the Church of Rome valid? answered in the negative.

a. The question presented to this Assembly by overture from the Presbytery of Ohio, "*Is baptism in the Church of Rome valid?*" is one of a very grave character and of deep practical importance. The answer to it must involve principles vital to the peace, the purity and the stability of the Church of God.

After a full discussion, carried through several days, this Assembly has decided, by a nearly unanimous vote [173 yeas to 8 nays], that *baptism so administered is not valid.*

b. Because, since baptism is an ordinance established by Christ in His Church (Form Gov., Chap. vii; Matt. xxviii, 19, 20), and is to be administered only by a minister of Christ, duly called and ordained to be a steward of the mysteries of God (Directory, Chap. viii, Sec. i), it follows that no rite administered by one who is not himself a duly ordained minister of the true Church of God visible, can be regarded as an ordinance of Christ, whatever be the name by which it is called, whatever the form employed in its administration. The so-called priests of the Romish communion are not ministers of Christ, for they are commissioned as agents of the papal hierarchy, which is not a Church of Christ, but the Man of Sin, apostate from the truth, the enemy of

righteousness and of God. She has long lain under the curse of God, who has called His people to come out from her, that they be not partakers of her plagues. . . . .

In 1835 the Assembly declared the papacy to be apostate from Christ, and no true Church. As we do not recognize her as a portion of the visible Church of Christ, we cannot, consistently, view her priesthood as other than usurpers of the sacred functions of the ministry, her ordinances as unscriptural, and her baptism as totally invalid.—1845, pp. 15, 34, O. S.

[NOTE.—For the whole deliverance assigning the reasons for the decision of the Assembly, see *Digest*, 1886, pp. 789–792.]

8. The deliverance of 1845 affirmed.

Overture from the Presbytery of Tuscaloosa, asking whether the ordinance of baptism ought to be administered to a person before reception into our Church who presents a certificate of good and regular standing in the New School Presbyterian Church, but who has received only Roman Catholic baptism.

The Committee answer that the mere fact that a person has been a member of another Church has nothing to do with his original baptism. The memorialists are referred to the action of the Assembly in 1845. Adopted.—1859, p. 535, O. S.

9. The question of rebaptism of a convert from Romanism left to the judgment of the session.

The Committee on Bills and Overtures further reported as follows:

No. 11. From the Presbytery of Genesee, asking a deliverance on the question, "Should a convert from Romanism, applying for admission into the Presbyterian Church, be again baptized?" to which they recommend the following answer be given: That the decision of the question be left to the judgment of each church Session, guided by the principles governing the subject of baptism, as laid down in the Standards of our Church.

The report was unanimously adopted.—1875, p. 514.

10. The above deliverance sustained.

The Judicial Committee presented the following, which was unanimously adopted:

Judicial Case No. 1.—An appeal of Elder Walter Bradshaw from the Synod of New York.

Statement of the Case.—The Session of Princetown church declined to recognize the validity of Roman Catholic baptism, and required a candidate, Mr. Edward Francis Graham, for admission to the Church, who was a Roman Catholic, to be baptized. Mr. Bradshaw, an elder of the Princetown church Session, complained to the Presbytery of Albany, upon the ground that Roman Catholic baptism was recognized by the Church as valid, and that an applicant for the privileges of the communion of the Church should not be rebaptized.

The Presbytery of Albany declined to entertain the complaint of Mr. Bradshaw on the grounds "that the Presbyterian Church has given no judicial decision upon the subject of the validity of Roman Catholic baptism, and has by the deliverances of the General Assembly (*Minutes*, 1875, p. 514) left the decision of the validity of Roman Catholic baptism to the judgment of Sessions."

Mr. Bradshaw appealed from this decision of the Presbytery of Albany to the Synod of New York, on the grounds that the Presbytery had refused to consider the question of the validity of Roman Catholic baptism, and had dismissed the complaint, basing their action upon the deliverance of the Assembly, leaving the question of validity to Sessions. The Synod of New York, acting under Sec. xcix of the revised Book of Discipline, declined to entertain Mr. Bradshaw's appeal and complaint, and directed the fact to be recorded that its decision was unanimous.

From this decision of the Synod, Mr. Bradshaw appeals to this General Assembly, on the grounds that Roman Catholic baptism is valid, and that it was unconstitutional for the Session to require the applicant to be rebaptized. Your Committee can discover no reasons for opening this question, and being convinced that the Synod of New York had good and sufficient reasons for declining to entertain the complaint of Mr. Bradshaw, and further persuaded that these reasons should likewise prevail with this General Assembly—viz., that the deliverances of the General Assembly have left with Sessions the right to decide upon the validity of Roman Catholic baptism in particular cases, and that the Princetown church acted upon such deliverances—your Committee recommends that the appeal and complaint of Mr. Bradshaw against the action of the Synod of New York be not entertained.—1885, pp. 593, 594.

[Note.—See also Directory for Worship, Chap. viii, Secs. iv, v.]

11. The Assembly declines to make a new deliverance on the validity of Roman Catholic baptism.

The Committee appointed by the Assembly of 1876, and continued (with certain changes) by the Assembly of 1877, to "consider and report upon the validity of Roman Catholic baptism," respectfully recommend the following for adoption by this General Assembly:

Resolved, That it is inexpedient for this Assembly to make any new deliverance on this subject.

It was adopted.—1878, p. 23.

III. Dipping of the person into the water is not necessary; but baptism is rightly administered by pouring or sprinkling water upon the person.

1. Mode of baptism.

Is it expedient, in the present state of the Church, for a Presbyterian minister to baptize by immersion in any case?

The Confession of Faith, Chap. xxviii, Sec. iii, teaches as follows, viz.: Dipping of the person into the water is not necessary; but baptism is rightly administered by pouring or sprinkling of water upon the person. Your Committee see no cause for adding anything to the doctrine of the Confession on this subject. Adopted.—1834, p. 433.

IV. Not only those that do actually profess faith in, and obedience unto Christ, but also the infants of one or both believing parents are to be baptized.

[Note.—Book of Discipline, Chap. i, Sec. v; and Directory for Worship, Chap. viii, Sec. iii.]

1. The duty of Christian masters to have their servants baptized.

The following case of conscience from Donegal Presbytery was overtured, viz., whether Christian masters or mistresses ought, in duty, to have such children baptized as are under their care, though born of parents not in the communion of any Christian Church. Upon this overture Synod are of opinion that Christian masters and mistresses, whose religious professions and conduct are such as to give them a right to the ordinance of baptism for their own children, may and ought to dedicate the children of their household to God in that ordinance when they have no scruple of conscience to the contrary.—1786, p. 527.

2. Of Christian slaves to have their children baptized.

It was overtured whether Christian slaves, having children at the entire direction of unchristian masters, and not having it in their power to instruct them in religion, are bound to have them baptized, and whether a Gospel minister in this predicament ought to baptize them, and Synod determined the question in the affirmative.—1786, p. 527.

3. Infant slaves of Christian masters.

Ought baptism, on the profession and promise of the master, to be administered to the children of slaves?

1. It is the duty of masters who are members of the Church to present the children of parents in servitude to the ordinance of baptism, provided they are in a situation to train them up in the nurture and admonition of the Lord, thus securing to them the rich advantages which the Gospel provides.

2. It is the duty of Christ's ministers to inculcate this doctrine, and to baptize all children of this description when presented by their masters. —1816, p. 617.

4. Orphan children of heathen parents in the care of our missions.

[Note.—See Directory for Worship, Chap. viii, Sec. iii.]

V. Although it be a great sin to contemn or neglect this ordinance, yet grace and salvation are not so inseparably annexed unto it, as that no person can be regenerated or saved without it, or that all that are baptized are undoubtedly regenerated.

VI. The efficacy of Baptism is not tied to that moment of time wherein it is administered; yet, notwithstanding, by the right use of this ordinance the grace promised is not only offered, but really exhibited and conferred by the Holy Ghost, to such (whether of age or infants) as that grace belongeth unto, according to the counsel of God's own will, in his appointed time.

VII. The Sacrament of Baptism is but once to be administered to any person.

1. Rebaptism disorderly.

Overture from the Presbytery of the Cherokee Nation, asking, "What is the standing of an elder or member of the Presbyterian Church, who, becoming dissatisfied with his baptism by sprinkling, secures rebaptism by immersion, by one not a minister of the Presbyterian Church?"

Answer: The action is clearly disorderly and in violation of Chap.

xxviii, Sec. vii, of the Confession of Faith. But as it concerns the mode, rather than the substance, of a sacrament, whether the act is to be regarded as disciplinable, must be determined by the Session, in the light of the circumstances attending each particular case.

In the case of an elder, the Form of Government (Chap. xiii, Secs. vi, vii) makes it clear that in certain circumstances he should at least "cease to be an acting elder," and the Session should "take order on the subject."—1890, p. 46.

CHAPTER XXIX.

OF THE LORD'S SUPPER.

I. Our Lord Jesus, in the night wherein he was betrayed, instituted the Sacrament of his body and blood, called the Lord's Supper, to be observed in his Church unto the end of the world, for the perpetual remembrance of the sacrifice of himself in his death, the sealing all benefits thereof unto true believers, their spiritual nourishment and growth in him, their further engagement in, and to all duties which they owe unto him; and to be a bond and pledge of their communion with him, and with each other, as members of his mystical body.

[NOTE.—See for decisions and deliverances on the Lord's Supper, Directory for Worship, Chap. ix.]

II. In this Sacrament Christ is not offered up to his Father, nor any real sacrifice made at all for remission of sins of the quick or dead; but only a commemoration of that once offering up of himself, by himself, upon the cross, once for all; and a spiritual oblation of all possible praise unto God for the same: so that the Popish sacrifice of the mass, as they call it, is most abominably injurious to Christ's one only sacrifice, the alone propitiation for all the sins of the elect.

III. The Lord Jesus hath, in this ordinance, appointed his ministers to declare his word of institution to the people, to pray, and bless the elements of bread and wine, and thereby to set them apart from a common to an holy use: and to take and break the bread, to take the cup, and (they communicating also themselves) to give both to the communicants; but to none who are not then present in the congregation.

[NOTE.—The Lord's Supper may be administered in a private house under certain circumstances. See Directory for Worship, Chap. ix, Sec. i, 1863, p. 37, O. S.]

IV. Private masses, or receiving this Sacrament by a priest, or any other, alone; as likewise the denial of the cup to the people; worshiping the elements; the lifting them up, or carrying them about for adoration, and the reserving them for any pretended religious use; are all contrary to the nature of this Sacrament, and to the institution of Christ.

V. The outward elements in this Sacrament, duly set apart to the uses ordained by Christ, have such relation to him crucified, as that truly, yet sacramentally only, they are sometimes called by the name of the

things they represent, to wit, the body and blood of Christ; albeit, in substance and nature, they still remain truly, and only, bread and wine, as they were before.

VI. That doctrine which maintains a change of the substance of bread and wine, into the substance of Christ's body and blood (commonly called transubstantiation) by consecration of a priest, or by any other way, is repugnant, not to Scripture alone, but even to common sense and reason; overthroweth the nature of the Sacrament; and hath been, and is the cause of manifold superstitions, yea, of gross idolatries.

VII. Worthy receivers, outwardly partaking of the visible elements in this Sacrament, do then also inwardly by faith, really and indeed, yet not carnally and corporally, but spiritually, receive and feed upon Christ crucified, and all benefits of his death: the body and blood of Christ being then not corporally or carnally in, with, or under the bread and wine; yet as really, but spiritually, present to the faith of believers in that ordinance, as the elements themselves are to their outward senses.

VIII. Although ignorant and wicked men receive the outward elements in this Sacrament, yet they receive not the thing signified thereby; but by their unworthy coming thereunto are guilty of the body and blood of the Lord, to their own damnation. Wherefore all ignorant and ungodly persons, as they are unfit to enjoy communion with him, so are they unworthy of the Lord's Table, and cannot, without great sin against Christ, while they remain such, partake of these holy mysteries, or be admitted thereunto.

CHAPTER XXX.

OF CHURCH CENSURES.

I. The Lord Jesus, as king and head of his Church, hath therein appointed a government in the hand of church-officers, distinct from the civil magistrate.

II. To these officers the keys of the kingdom of heaven are committed, by virtue whereof they have power respectively to retain and remit sins, to shut that kingdom against the impenitent, both by the word and censures; and to open it unto penitent sinners, by the ministry of the gospel, and by absolution from censures, as occasion shall require.

III. Church censures are necessary for the reclaiming and gaining of offending brethren; for deterring of others from like offences; for purging out of that leaven which might infect the whole lump; for vindicating the honor of Christ, and the holy profession of the gospel; and for preventing the wrath of God, which might justly fall upon the Church, if they should suffer his covenant, and the seals thereof, to be profaned by notorious and obstinate offenders.

IV. For the better attaining of these ends, the officers of the Church are to proceed by admonition, suspension from the Sacrament of the Lord's Supper for a season, and by excommunication from the Church, according to the nature of the crime, and demerit of the person.

[NOTE.—For the censures which may be inflicted, see Book of Discipline, Chap. v, Secs. xxxiv and xl. Also Directory for Worship, Chap. xi, and Form of Government, Chap. viii, Sec. ii; Chap. ix, Sec. vi.]

CHAPTER XXXI.

OF SYNODS AND COUNCILS.

I. For the better government and further edification of the Church, there ought to be such assemblies as are commonly called synods or councils: and it belongeth to the overseers and other rulers of the particular churches, by virtue of their office, and the power which Christ hath given them for edification and not for destruction, to appoint such assemblies; and to convene together in them, as often as they shall judge it expedient for the good of the Church.

[NOTE.—See Form of Government, Chap. viii, Secs. i and ii, and Chaps. ix–xii.]

II. It belongeth to synods and councils, ministerially, to determine controversies of faith, and cases of conscience; to set down rules and directions for the better ordering of the public worship of God, and government of his Church; to receive complaints in cases of mal-administration, and authoritatively to determine the same: which decrees and determinations, if consonant to the Word of God, are to be received with reverence and submission, not only for their agreement with the Word, but also for the power whereby they are made, as being an ordinance of God, appointed thereunto in his Word.

[NOTE.—See Form of Government, Chap. i, Sec. vii and Chap. xii.]

III. All synods or councils since the apostles' times, whether general or particular, may err, and many have erred; therefore they are not to be made the rule of faith or practice, but to be used as a help in both.

[NOTE.—See Form of Government, Chap. i, Sec. vii.]

IV. Synods and councils are to handle or conclude nothing, but that which is ecclesiastical: and are not to intermeddle with civil affairs which concern the commonwealth, unless by way of humble petition in cases extraordinary; or by way of advice for satisfaction of conscience, if they be thereunto required by the civil magistrate.

1. The Spiritual Character of the Church.

The following paper, offered by Elder George H. Shields, was unanimously adopted by a rising vote:

Whereas, The Synod of Missouri, in connection with the General Assembly of the Presbyterian Church in the United States of America, at its meeting in Fulton, Mo., in October, 1886, unanimously adopted the following paper and declaration of principles, to wit:

"It has come to the knowledge of this Synod that many brethren belonging to the Synod in connection with the General Assembly of the Presbyterian Church in the United States, are under a misapprehension with regard to the position of this body touching the spiritual or non-political character of the Church, and also touching the rights of individuals under the Constitution of the Church. Owing to this misapprehension, and to the continued separation of the two Synods, many of the congregations on both sides are greatly weakened, our educational institutions are partially paralyzed, and all of our interests are seriously crippled. With the hope of healing forever the breach between us, we once more affectionately extend the hand of fellowship to our separated brethren, and cheerfully reaffirm the action unanimously taken by this Synod in 1873, as follows:

"1. We affirm the spiritual character of the Church as separated from the kingdoms of this world, and, having no other head than the Lord Jesus Christ, as entitled to speak only where He has spoken, and to legislate only where He has legislated; we also recognize the rights of conscience, and the right of respectful protest on the part of the humblest member of the Presbyterian household of faith, and declare the obligation of all our judicatories to be subject to the authority and to follow the doctrines of our ecclesiastical constitution.

"2. We distinctly and particularly affirm our belief in the following principles and statements found in our Standards, to wit: 'Synods and councils are to handle or conclude nothing but that which is ecclesiastical, and are not to intermeddle with civil affairs which concern the Commonwealth, unless by way of humble petition in cases extraordinary, or by way of advice for the satisfaction of conscience, if they be thereunto required by the civil magistrate' (Confession of Faith, Chap. xxxi, Sec. iv). 'That God alone is Lord of the conscience, and hath left it free from the doctrines and commandments of men, which are in anything contrary to His Word, or beside it in matters of faith or worship.' 'That all Church power, whether exercised by the body in general, or in the way of representation by delegated authority, is only ministerial or declarative; that is to say, that the Holy Scriptures are the only rule of faith and practice, that no Church judicatory ought to pretend to make laws to bind the conscience in virtue of their own authority, and that all their decisions should be founded upon the revealed will of God' (Form of Government, Chap. i, Secs. i, vii); and that process against a Gospel minister should always be entered before the Presbytery of which he is a member (Book of Discipline, Secs. xviii, cviii).

"3. In order to give the strongest possible ground of confidence to those of our brethren in the other Synod, who desire organic union with us, we do hereby express confidence in the soundness of doctrine, and in the Christian character of these brethren, and cannot doubt that a more intimate communion would lead to the speedy removal of the barriers that now separate those of like precious faith, and to increased mutual affection and esteem."

Now, therefore, be it

Resolved, That this General Assembly heartily approves the action of the Synod of Missouri in adopting said paper, and the declaration of principles therein set forth.—1887, pp. 26, 27; 1888, p. 147.

CHAPTER XXXII.

OF THE STATE OF MAN AFTER DEATH, AND OF THE RESURRECTION OF THE DEAD.

I. The bodies of men, after death, return to dust, and see corruption; but their souls (which neither die nor sleep), having an immortal subsistence, immediately return to God who gave them. The souls of the righteous, being then made perfect in holiness, are received into the highest heavens, where they behold the face of God in light and glory, waiting for the full redemption of their bodies: and the souls of the wicked are cast into hell, where they remain in torments and utter darkness, reserved to the judgment of the great day. Besides these two places for souls separated from their bodies, the Scripture acknowledgeth none.

[NOTE.—See case of Rev. Charles A. Briggs, D.D., under Confession, Chap. i, Sec. ii, Charge ii; case of John Miller, under Chap. vi, Specification.]

II. At the last day, such as are found alive shall not die, but be changed: and all the dead shall be raised up with the self-same bodies, and none other, although with different qualities, which shall be united again to their souls for ever.

III. The bodies of the unjust shall, by the power of Christ, be raised to dishonor; the bodies of the just, by his Spirit, unto honor, and be made conformable to his own glorious body.

CHAPTER XXXIII.

OF THE LAST JUDGMENT.

I. God hath appointed a day, wherein he will judge the world in righteousness by Jesus Christ, to whom all power and judgment is given of the Father. In which day, not only the apostate angels shall be judged; but likewise all persons, that have lived upon earth, shall appear before the tribunal of Christ, to give an account of their thoughts, words, and deeds; and to receive according to what they have done in the body, whether good or evil.

II. The end of God's appointing this day is for the manifestation of the glory of his mercy, in the eternal salvation of the elect; and of his justice, in the damnation of the reprobate, who are wicked and disobedient. For then shall the righteous go into everlasting life, and receive that fullness of joy and refreshing which shall come from the presence of the Lord: but the wicked, who know not God, and obey not the gospel of Jesus Christ, shall be cast into eternal torments, and be punished with everlasting destruction from the presence of the Lord, and from the glory of his power.

III. As Christ would have us to be certainly persuaded that there shall be a day of judgment, both to deter all men from sin, and for the

greater consolation of the godly in their adversity: so will he have that day unknown to men, that they may shake off all carnal security, and be always watchful, because they know not at what hour the Lord will come; and may be ever prepared to say, Come, Lord Jesus, come quickly. Amen.

End of Confession.

General Deliverances on Doctrine.

[NOTE.—For the deliverances of the Assembly of 1837 on doctrinal errors, and for the Auburn Declaration, see under Form of Government, Chap. xii, Sec. v, p. 281.]

THE CREED.

I believe in God the Father Almighty, Maker of heaven and earth: And in Jesus Christ his only Son, our Lord; who was conceived by the Holy Ghost, born of the Virgin Mary, suffered under Pontius Pilate, was crucified, dead, and buried; he descended into hell;* the third day he rose again from the dead; he ascended into heaven, and sitteth on the right hand of God the Father Almighty; from thence he shall come to judge the quick and the dead.

I believe in the Holy Ghost; the holy Catholic Church; the communion of saints; the forgiveness of sins; the resurrection of the body; and the life everlasting. Amen.

[NOTE.—The creed was formally adopted by the Westminster Assembly, as a part of the Shorter Catechism, and was adopted also by the General Synod of this Church in 1729 and 1788.]

1. Authorized alterations in the Creed. Use in worship.

"*Resolved*, That the propriety of omitting from or changing in the so-called Apostles' Creed the phrases, 'He descended into hell,' and 'The Holy Catholic Church,' be referred to the Committee on a Consensus Creed to consider what is wise in the way of action and to report to the General Assembly."

The Committee, having carefully considered the subject of this resolution, respectfully recommend that no change in the Creed be attempted, and would call attention to the fact that the footnote connected with it and explanatory of the phrase, "He descended into hell," is a part of the Creed itself. The note reads, "Continued in the state of the dead, and under the power of death, until the third day." This note is not the work of an editor, but of the Westminster Assembly, and was confirmed and adopted by our General Synod in 1788. The Apostles' Creed, as a Standard of the Presbyterian Church, includes this explanatory note, and neither the Creed nor the note could be changed except by due constitutional procedure. The Committee, however, feel that it would be unwise, in any event, to attempt to revise this venerable Formula of Faith, which, though not of apostolic origin, has yet back of it Christian antiquity and the veneration of all Christian communions.

* *i. e.* Continued in the state of the dead, and under the power of death, until the third day.
[See the answer to the 50th question in the Larger Catechism.]

Resolved, The attention of our congregations is hereby called to the fact that the Apostles' Creed is one of the Standards of the Presbyterian Church; that the instruction of the children of the Church therein is commended in the Directory for Worship, Chap. x, Sec. i, and that its use in worship is not contrary to any law or regulation of our denomination.

Resolved, That when the Apostles' Creed is used in the worship of our congregations, the Assembly judges that ministers are at liberty to substitute for the phrase, "He descended into hell," the equivalent words, "He continued in the state of the dead, and under the power of death, until the third day."—1892, pp. 34, 35.

PART III.

THE FORM OF GOVERNMENT.

Adopted 1788. Amended 1805—1894.

CHAPTER I.

*PRELIMINARY PRINCIPLES.**

The Presbyterian Church in the United States of America, in presenting to the Christian public the system of union, and the form of government and discipline which they have adopted, have thought proper to state, by way of introduction, a few of the general principles by which they have been governed in the formation of the plan. This, it is hoped, will, in some measure, prevent those rash misconstructions, and uncandid reflections, which usually proceed from an imperfect view of any subject; as well as make the several parts of the system plain, and the whole perspicuous and fully understood.

They are unanimously of opinion:

I. That "God alone is Lord of the conscience; and hath left it free "from the doctrines and commandments of men, which are in anything "contrary to his word, or beside it in matters of faith or worship:"† therefore they consider the rights of private judgment, in all matters that respect religion, as universal and unalienable: they do not even wish to see any religious constitution aided by the civil power, further than may be necessary for protection and security, and, at the same time, be equal and common to all others.

II. That, in perfect consistency with the above principle of common right, every Christian Church, or union or association of particular churches, is entitled to declare the terms of admission into its *communion*, and the qualifications of its ministers and members, as well as the whole system of its internal government which Christ hath appointed: that, in the exercise of this right they may, notwithstanding, err, in making the terms of communion either too lax or too narrow; yet, even in this case, they do not infringe upon the liberty, or the rights of others, but only make an improper use of their own.

III. That our blessed Saviour, for the edification of the visible Church, which is his body, hath appointed officers, not only to preach

* This introductory chapter, with the exception of the first sentence, was first drawn up by the Synod of New York and Philadelphia, and prefixed to the Form of Government, etc., as published by that body in 1788. In that year, after arranging the plan on which the Presbyterian Church is now governed, the Synod was divided into four Synods, and gave place to the General Assembly, which met for the first time in 1789.

† Confession of Faith, Chap. xx, Sec. ii.

the gospel *and administer the sacraments*; but also to exercise discipline, for the preservation both of truth and duty; and, that it is incumbent upon these *officers*, and upon the whole Church, in whose name they act, to censure or cast out the erroneous and scandalous; observing, in *all* cases, the rules contained in the Word of God.

IV. That truth is in order to goodness; and the great touchstone of truth, its tendency to promote holiness; according to our Saviour's rule, "by their fruits ye shall know them." And that no opinion can be either more pernicious or more absurd, than that which brings truth and falsehood upon a level, and represents it as of no consequence what a man's opinions are. On the contrary, they are persuaded that there is an inseparable connection between faith and practice, truth and duty. Otherwise it would be of no consequence either to discover truth, or to embrace it.

V. That while under the conviction of the above principle, they think it necessary to make effectual provision, that all who are admitted as teachers, be sound in the faith; they also believe that there are truths and forms, with respect to which men of good characters and principles may differ. And in all these they think it the duty both of private Christians and societies, to exercise mutual forbearance towards each other.

VI. That though the character, qualifications, and authority, of church officers, are laid down in the Holy Scriptures, as well as the proper method of their investiture and institution; yet the election of the persons to the exercise of this authority, in any particular society, is in that society.

VII. That all church power, whether exercised by the body in general, or in the way of representation by delegated authority, is only ministerial and declarative; *that is to say*, that the Holy Scriptures are the only rule of faith and manners; that no church judicatory ought to pretend to make laws, to bind the conscience in virtue of their own authority; and that all their decisions should be founded upon the revealed will of God. Now, though it will easily be admitted, that all synods and councils may err, through the frailty inseparable from humanity; yet there is much greater danger from the usurped claim of making laws, than from the right of judging upon laws already made, and common to all who profess the gospel; although this right, as necessity requires in the present state, be lodged with fallible men.

VIII. *Lastly*, That, if the preceding scriptural and rational principles be steadfastly adhered to, the vigor and strictness of its discipline will contribute to the glory and happiness of any Church. Since ecclesiastical discipline must be purely moral or spiritual in its object, and not attended with any civil effects, it can derive no force whatever, but from its own justice, the approbation of an impartial public, and the countenance and blessing of the great Head of the Church universal.

CHAPTER II.

OF THE CHURCH.

I. Jesus Christ, who is now exalted far above all principality and power, hath erected, in this world, a kingdom, which is his church.

II. The universal church consists of all those persons, in every nation, together with their children, who make profession of the holy religion of Christ, and of submission to his laws.

1. Deliverances on Church Unity.

On receiving the report of the Special Committee on Church Unity appointed in 1887 on a memorial from the Protestant Episcopal Church [see *Minutes*, p. 154], the following action was had:

1. The General Assembly reaffirms the declaration of the General Assembly of 1887 [pp. 133, 134 and 156] as follows, viz.: "The General Assembly is in cordial sympathy with the growing desire among the evangelical Christian Churches for practical unity and coöperation in the work of spreading the Gospel of our Lord Jesus Christ throughout all the earth."

2. It reaffirms the further declaration of the same Assembly, viz.:

a. All believers in Christ constitute one body, mystical, yet real, and destined to grow into the fullness of Him who filleth all in all.

b. The universal visible Church consists of all those throughout the world who profess the true religion, together with their children.

c. Mutual recognition and reciprocity between the different bodies who profess the true religion is the first and essential step towards practical Church unity.—1894, p. 28.

The Committee on Church Unity presented its report on correspondence with the Protestant Episcopal Commission. The following resolutions were adopted:

1. That the Committee on Church Unity be, and hereby is, discharged from further conference with the Commission of the Protestant Episcopal Church on this subject.

2. That one thousand copies of the correspondence with the Commission, accompanied by the report of the Committee to this Assembly, be printed as a permanent record.

3. That the Presbyterian Church in the United States of America desires a closer affiliation with other evangelical Churches, and expresses the hope that the time may soon come when the suspended correspondence with the Commission of the Protestant Episcopal Church may be reopened by the acceptance by that Church of the doctrine of "mutual recognition and reciprocity."—1896, p. 104.

III. As this immense multitude cannot meet together in one place, to hold communion, or to worship God, it is reasonable, and warranted by Scripture example, that they should be divided into many particular churches.

IV. A particular church consists of a number of professing Christians, with their offspring, voluntarily associated together, for divine

worship and godly living, agreeably to the Holy Scriptures; and submitting to a certain form of government.

[NOTE.—See, also, Book of Discipline, Chap. i, Sec. v; Directory for Worship, Chap. x, Sec. i.

A larger type is used to indicate to the reader that the parts thus printed are from the FORM OF GOVERNMENT, BOOK OF DISCIPLINE, or DIRECTORY FOR WORSHIP.]

1. Mode of organization of new churches.

The Committee to whom was recommitted the report of the last Assembly, on the organization of new churches, reported again, and their report was read and adopted, and is as follows, viz. :

That a particular Presbyterian church, so far as adults are concerned, is constituted and organized as such, by a number of individuals, professing to walk together as the disciples of Jesus Christ, on the principles of the Confession of Faith and Form of Government of the Presbyterian Church, and the election and ordination of one or more ruling elders, who, by the ordination service, become the spiritual rulers of the persons voluntarily submitting themselves to their authority in the Lord.

a. This organization ought always to be made by application to the Presbytery, within the bounds of which the church to be organized is found, unless this be exceedingly inconvenient, in which case it may be done by a duly authorized missionary, or a neighboring minister of the Gospel.

b. At the time appointed for the purpose, after prayer for divine direction and blessing, the presiding minister, or Committee appointed by the Presbytery, should first receive from those persons to be organized into the new church, if they have been communicants in other churches, letters of dismission and recommendation; and in the next place, examine and admit to a profession of faith, such persons as may offer themselves, and may be judged suitable to be received on examination. If any of these persons admitted to a profession on examination have not been baptized, they should in this stage of the business be made the subjects of Christian baptism.

c. The individuals ascertained in the foregoing manner to be desirous and prepared to associate as a church of Christ, should now, by some public formal act, such as rising, joining hands, or subscribing a written statement, agree and covenant to walk together in a church relation, according to the acknowledged doctrines and order of the Presbyterian Church.

d. The next step is to proceed to the election and ordination of ruling elders, in conformity with the directions given on this subject in the Form of Government of the Presbyterian Church.

Deacons are to be elected and ordained in like manner as in the case of ruling elders.

e. When a church has been organized in the manner already described, report of the same should be made, as soon as practicable, to the Presbytery within whose bounds it is located. And when a missionary, or other minister of the Gospel, not especially appointed to the work by a Presbytery, has, in the manner above specified, organized a church, not within the known bounds of any Presbytery, the church thus organized should as soon as practicable make known to some Presbytery, with which it may be most naturally and conveniently connected, the time and manner of its organization, and desire to be received under the care of said Presbytery.

In cases in which churches are to be formed within the known boundaries of any Presbytery, it is most desirable that persons wishing to be organized as a Presbyterian church, should petition that Presbytery to receive them under its care for the purpose of organizing them in due form.

f. There may be people in destitute portions of our land, who may be disposed to associate for the purpose of forming a Presbyterian congregation, when no minister of the Gospel can be obtained to aid them. The forming of associations for such a purpose, in the circumstances contemplated, should be considered not only as lawful, but highly commendable. And such associations, when formed, should, as speedily as possible, take measures for obtaining the preaching of the Gospel, and for becoming organized as regular churches.

g. Cases may also occur, in various places, in which a collection or association of people may desire the preaching of the Gospel, and be willing, in whole or in part, to support it, and yet may not have suitable men among them to sustain the office of ruling elders.

Such people may and ought to obtain a preacher of the Gospel to labor among them, and occasionally to administer ordinances, under the direction of some Presbytery, till they shall find themselves in circumstances to make a proper choice of ruling elders, and to have them regularly set apart to their office.—1831, pp. 326, 327.

2. Enrollment of imperfectly organized churches.

[NOTE.—The Presbytery of West Jersey overtured the Assembly for an answer to the question whether a number of professing Christians associated for divine worship substantially as set forth in the Form of Government, Chap. ii, Sec. iv, has a right to be enrolled as a Presbyterian church before the election of elders. For the overture and the answer of the Assembly, which was adopted, see *Minutes*, 1888, p. 109. The next year the Synod of New Jersey overtured the Assembly upon the same subject, and the answer of the Committee on the Polity of the Church was referred to a Special Committee (*Minutes*, 1889, pp. 100, 101), to report to the next Assembly. The report of the Special Committee to the Assembly of 1890, which was adopted, is as follows:]

Your Committee would respectfully report:

According to the Form of Government, Chap. ii, Sec. iv, "A particular church consists of a number of professing Christians, with their offspring, voluntarily associated together for divine worship and godly living, agreeably to the Holy Scriptures, and submitting to a certain form of government."

In 1831, the General Assembly declared, that "a particular Presbyterian Church, so far as adults are concerned, is constituted and organized as such, by a number of individuals, professing to walk together as the disciples of Jesus Christ, on the principles of the Confession of Faith and Form of Government of the Presbyterian Church, and the election and ordination of one or more ruling elders, who by the ordination service become the spiritual rulers of the persons voluntarily submitting themselves to their authority in the Lord." In describing the proper organization of a particular Presbyterian church, the Assembly requires that application be made to the Presbytery, which should appoint a Committee to accomplish the desire of the applicants, by receiving those who are full communicants, on certificates from their several churches; and, others, after examination, on profession of faith. Those thus received "should now, by some public formal act, such as rising, joining hands, or subscribing a written statement, agree and

covenant to walk together in a church relation, according to the acknowledged doctrines and order of the Presbyterian Church" (*Digest*, 1886, p. 107). This formal act constitutes them a Presbyterian church, according to the above-quoted section of the Form of Government. The "Book of Church Order" of the Southern Church requires that the Committee should then by its Chairman say: "I now pronounce that you are constituted a church according to the Word of God and the faith and order of the Presbyterian Church in the United States. In the name of the Father, and of the Son and of the Holy Ghost" (Chap. ii, Sec. v).

Thus the communicants are organized a Presbyterian church, before they can proceed to elect officers. This is evident from our Form of Government, which says: "In all cases the persons elected (ruling elders or deacons) must be male members, in full communion, in the church in which they are to exercise their office" (Chap. xiii, Sec. ii). And they can be elected only by the communicants of that particular church.

In 1888, the General Assembly was asked "whether such a body of believers, so organized, has a right to be enrolled as a church by the Presbytery, though the election of elders and deacons be postponed temporarily for reasons of prudence or necessity; and further, what is the status of such a church, or of one which has lost its officers by death or removal, and, for the time being, is without suitable material for the election of successors?" The Assembly replied that "a body of Christians thus formed is essentially and potentially a church, with the right of enrollment and recognition, though not prepared to exercise the functions of government and discipline until its representative officers, as required by the Presbyterian system, be chosen and duly set apart for these purposes. Meanwhile the Presbytery shall appoint one or more of its members to take oversight of the spiritual affairs of such a church until a Session may be regularly constituted." The same Assembly was also asked: "May a minister of a Presbyterian church receive members by examination and profession of their faith into a church in which no ruling elder or elders can be found, all having died or removed from the bounds of the church, and would members so received and recognized by the congregation and chosen as officers of the church be legally entitled to their positions as church officers?" The Assembly gave an affirmative answer to these questions, "provided such action is taken under the authority and direction of the Presbytery" (*Minutes*, 1888, p. 109).

A fully constituted Presbyterian church must have a pastor, ruling elders and deacons. But its existence as a church does not depend upon its officers. It would not be *ipso facto* dissolved should they all be removed. The church, under a proper call, would be competent to elect others in their stead.

From the above harmonious declarations of our Form of Government and of the General Assembly, it is evident that a distinction is properly made between the existence of a church and the agents through which it performs its functions—between the organization of a Presbyterian church, possessing under our Form of Government certain offices, and the election of individuals to fill these offices.

We therefore recommend that the following reply be sent to the Synod of New Jersey:

1. A particular Presbyterian church consists of a number of communicants, together with their offspring, associated by the direction of Presbytery, professing to walk together as the disciples of Jesus Christ, on the principles of the Confession of Faith and the Form of Government of the Presbyterian Church, and should be recognized and enrolled as such.

2. The first act of the newly organized church should be the election, under the supervision of the Committee of Presbytery, of ruling elders and deacons. The Committee should at once appoint a minister of the Presbytery as Moderator of Session, until the church shall elect a pastor, and the Presbytery takes further action.

3. The Committee of Presbytery should carefully consider the character and other qualifications of every candidate for ruling elder or deacon, and should discountenance the election or ordination of those who appear unsuitable.

4. When, however, proper persons cannot be found among the communicants for church officers, all the facts should be reported to Presbytery, which should regard the organization as potentially a church, and therefore entitled to enrollment and supervision; but as imperfect in its condition, being disqualified, lacking the proper officers, from exercising government and discipline, and from representation in the judicatories of the Church. The Presbytery should therefore appoint a Special Committee to take the oversight of the church, and to secure, as soon as possible, the election of proper officers—ruling elders and deacons—that it may perform all the functions of a Presbyterian church.—1890, pp. 113–116.

3. Church charters should be consistent with the ecclesiastical order and principles of the Presbyterian Church.

Considering that it is necessary to the due and orderly maintenance of the Constitution of the Presbyterian Church in its various provisions, that care be taken, in obtaining legal enactments of a secular kind, that they be so formed as not to come in conflict with any such provisions—and whereas, it is known, that instances have existed, and probably do still exist, in which the charters of churches, and perhaps other legal instruments, are so framed that the laws of the Church and the laws of the land are not reconcilable with each other: Therefore,

Resolved, That the General Assembly earnestly recommend it to all the congregations under their supervision, that in resorting to the legislatures or tribunals of our country, they use the utmost care to ask nothing which, if granted, will in any respect contravene the principles or order of our Church; and in any cases in which civil enactments, heretofore obtained, do militate with any of the principles or order of our Church, they endeavor, as soon as possible, to obtain the repeal or modification of such enactments, so as to make them consistent with the ecclesiastical order and principles of the Presbyterian Church.—1838, p. 26, O. S.

[NOTE.—Full information as to charters for church corporations will be found in "Laws Relating to Religious Corporations: Being a Collection of the General Statutes of the Several States," etc. By Rev. W. H. Roberts, D.D., LL.D. Pp. lxvi, 591, 8vo. Philadelphia, Presbyterian Board of Publication, 1896.]

4. Trustees, recognition by General Synod.

It is not inconsistent with the Presbyterian plan of government, nor the institution of our Lord Jesus Christ, that trustees, or a Committee

chosen by the congregation, should have the disposal and application of the public money raised by said congregation, to the uses for which it was designed; provided that they leave in the hands and to the management of the deacons what is collected for the Lord's table and the poor. And that ministers of the Gospel, by virtue of their office, have no right to sit with or preside over such trustees or Committees.—1752, p. 249.

[NOTE.—See Form of Government, Chap. vi.]

5. Control of trustees over a house of worship.

Supposing that a musical convention desire the use of the church for its sessions and exhibition; can the Board of Trustees give the use of the house of worship for that purpose without the consent of the Session?

Resolved, That the trustees of a church hold the property for religious purposes; and their legal rights are only to be determined by the State laws and charters under which they act as custodians of the church. Still, they have no moral right to convert the house of God into a place of business or amusement.—1860, pp. 53, 54, O. S.

6. Respective rights of trustees and Session in controlling the use of church property.

a. Overture, being a request from the Presbytery of Cincinnati, that the Assembly define the respective rights of the trustees and Session in the control of the edifice used for public worship, and direct what steps be taken in case of disagreement or collision between them, with a report thereon as follows:

Where a church edifice is held by trustees, the legal title is vested in them; and having the title, the custody and care of the property pertains to them, for the uses and purposes for which they hold the trust. These uses and purposes are the worship of God, and the employment of such other means of spiritual improvement as may be consistent with the Scriptures, and according to the order of the Church: to which may be added, congregational meetings for business relating to the church or corporation. By the Constitution of the Church, the Session is charged with the supervision of the spiritual interests of the congregation; and this includes the right to direct and control the use of the building for the purposes of worship, as required or established by the special usage of the particular church, or the Directory for Worship. This being the principal purpose of the trust, the trustees are bound to respect the wishes and action of the Session as to the use and occupation of the house of worship. The Session is the organ or agent through whom the trustees are informed how and when the church building is to be occupied; and the trustees have no right to refuse compliance with the action of the Session in this regard. These are general principles applicable to all cases, except, perhaps, in some localities where special statutory enactments by competent authority may confer other rights, or prescribe other duties.

But there are other purposes for which the use of the church edifice is sometimes desired, which, though they partake of a religious or intellectual character, do not fall within the class of objects which are properly described as belonging to the worship of that congregation. The house may not be used for such purposes without the consent of the trustees; and this consent they may properly, in their discretion, refuse.

As the function to determine what is a proper use of the house is vested in the Session, the trustees have no legal right to grant the use of it for purposes which the Session disapprove. And as the strict rights of those who are represented by the Session to the use of the house are limited to the worship of that congregation, the trustees are under no obligation to grant it for any other purpose.

When the trustees grant the use of the house to others, contrary to the expressed wishes of the Session, and, as they suppose, to the prejudice of the cause of religion and of that church, the proper appeal is, first, to the persons composing the congregation to whom the trustees are responsible; secondly, to the Presbytery, for their advice; and finally, if necessary, to the legal tribunals.

The report was accepted and adopted.—1863, pp. 43, 44, O. S. See 1874, p. 84.

b. The commissioners from the Presbytery of Wilmington have been instructed to ask information of the Assembly on the following points:

1. Who are voters in an election for trustees of a church?

2. Who have power to call a meeting for the election of trustees of a church?

3. Who have power to close and hold possession of a church—the trustees or the Session?

The Committee reported:

1. That the questions asked are wholly legal questions, to be determined by the local laws, relating to church property, in the State where the church lies.

2. That, in the absence of any statutory law relating to the mode in which trustees shall proceed, the by-laws of the corporation shall govern the mode of proceeding.

3. That in the absence of any specific rules of proceedings, the general principle of law, that the trust shall be executed for the sole use of those for whom it is held, shall govern the case.

The report was adopted.—1864, p. 478, N. S.

c. On the respective rights of Sessions and boards of trustees in regard to church and Sabbath-school property, the Committee recommend the adoption of the following, viz.:

1. That the Constitution of our Church charges the Session with the supervision of the spiritual interests of the congregation, and all services and matters pertaining thereto; and that any action, by the board of trustees, unauthorized by the congregation, tending to annul or contravene in any way such supervision and control, is illegal and void.

2. That, as regards the church building, Sabbath-school, and lecture-room, the trustees have no right to grant or withhold the use of either, against the wishes or consent of the Session.—1874, p. 84.

[Note.—Confirmed in answer to the Presbytery of Bloomington, 1891, p. 187. See under Form of Government, Chap. ix, Sec. vi.]

7. Trustees and congregational meetings.

Overture from the Presbytery of Chester, asking:

(1) Should not all special congregational meetings (*i. e.*, such meetings as are not required by charter for the election of trustees, etc.) be called by order of the Session, or, if by trustees, at least subject to the approval of the Session?

(2) Is a church charter which precludes the Session from calling such meetings consistent with our Constitution?

Your Committee would recommend as an answer to this Overture, that the decision of the Supreme Court, quoted in the *Minutes* of the General Assembly, O. S., 1863, p. 43; 1872, pp. 177–190, Appendix, has settled the question that in the use of the property of the church for all religious purposes or ecclesiastical uses, the trustees are under the control of the Session. The General Assembly has also declared that in any case of conflict between the Session and trustees the first appeal is to be taken to the people composing the congregation, and, if necessary, then to the civil tribunals. But your Committee recommend that no answer further is possible to this Overture without inspection of the articles of incorporation of the particular church, and some knowledge of the laws of the State under which such charter is granted.—1892, p. 189.

8. In the use of the property for all religious services or ecclesiastical purposes, the trustees are under the control of the Session.

[The following extract from the decision of the Supreme Court of the United States, in the Walnut Street Church case, Louisville, Ky., is inserted by order of the General Assembly, and answers clearly and authoritatively many of the questions asked above. See the whole decision, No. 9 below.]

"One or two propositions, which seem to admit of no controversy, are proper to be noticed in this connection. 1. Both by the act of the Kentucky Legislature, creating the trustees of the church a body corporate, and by the acknowledged rules of the Presbyterian Church, the trustees were the mere nominal title-holders and custodians of the church property; and other trustees were or could be elected by the congregation, to supply their places, once in every two years. 2. That in the use of the property for all religious services or ecclesiastical purposes, the trustees were under the control of the church Session. 3. That by the constitution of all Presbyterian churches, the Session, which is the governing body in each, is composed of the ruling elders and pastor; and in all business of the Session a majority of its members govern, the number of elders for each congregation being variable.

"The trustees obviously hold possession for the use of the persons who, by the constitution, usages and laws of the Presbyterian body, are entitled to that use. They are liable to removal by the congregation for whom they hold this trust; and others may be substituted in their places. They have no personal ownership or right beyond this, and are subject, in their official relations to the property, to the control of the Session of the church.

"The possession of the elders, though accompanied with larger and more efficient powers of control, is still a fiduciary possession. It is as a Session of the church alone that they could exercise power. Except by an order of the Session in regular meeting, they have no right to make any order concerning the use of the building; and any action of the Session is necessarily in the character of representatives of the church body by whose members it was elected.

"If, then, this true body of the church—the members of that congregation—having rights of user in the building, have in a mode which is authorized by the canons of the general Church in this country elected

and installed other elders, it does not seem to us inconsistent or at variance with the nature of the possession which we have described, and which the Chancery Court orders to be restored to the defendants, that they should be compelled to recognize these rights, and permit those who are the real beneficiaries of the trust held by them to enjoy the uses to protect which that trust was created."—U. S. Supreme Court, Watson *vs.* Jones, 13 Wallace, 679.

9. Decision of the United States Supreme Court in the Case of the Walnut Street Presbyterian Church, Louisville, Ky.

[NOTE.—Printed by order of the Assembly, *Minutes*, 1873, p. 480.]

JOHN WATSON *et al. vs.* WILLIAM A. JONES *et al.*

[1. Where the pendency of prior suit is set up to defeat another, the case must be the same; there must be the same parties, or at least such as represent the same interest; there must be the same rights asserted and the same relief prayed for.

2. Where the subject-matter of dispute is strictly and purely ecclesiastical in its character, a matter which concerns theological controversy, church discipline, ecclesiastical government, or the conformity of the members of the church to the standard of morals required of them, and the ecclesiastical courts claim jurisdiction, the civil courts will not assume jurisdiction; they will not even inquire into the right of jurisdiction of the ecclesiastical court.

3. A spiritual court is the exclusive judge of its own jurisdiction; its decision of that question is binding on the secular courts.]

Appeal from the Circuit Court of the United States for District of Kentucky.

Opinion by MILLER, J.

This case belongs to a class, happily rare in our courts, in which one of the parties to a controversy, essentially ecclesiastical, resorts to the judicial tribunals of the State for the maintenance of the rights which the Church has refused to acknowledge, or found itself unable to protect. Much as such dissensions among the members of a religious society should be regretted—a regret which is increased when, passing from the control of the judicial and legislative bodies of the entire organization to which the society belongs, an appeal is made to the secular authority—the courts when so called on must perform their functions as in other cases.

Religious organizations come before us in the same attitude as other voluntary associations for benevolent or charitable purposes, and their rights of property, or of contract, are equally under the protection of the law, and the actions of their members subject to its restraints. Conscious as we may be of the excited feeling engendered by this controversy, and of the extent to which it has agitated the intelligent and pious body of Christians in whose bosom it originated, we enter upon its consideration with the satisfaction of knowing that the principles on which we are to decide so much of it as is proper for our decision are those applicable alike to all of its class, and that our duty is the simple one of applying those principles to the facts before us.

It is a bill in chancery in the Circuit Court of the United States for the District of Kentucky, brought by William A. Jones, Mary J. Jones and Ellenor Lee, citizens of Indiana, against John Watson and others

named, citizens of Kentucky, and against the trustees of the Third or Walnut Street Presbyterian Church, in Louisville, a corporation created by an act of the Legislature of that State. The trustees, McDougall, McPherson and Ashcraft, are also sued as citizens of Kentucky. Plaintiffs allege in their bill that they are members in good and regular standing of said church, attending its religious exercises under the pastorship of the Rev. John S. Hays, and that the defendants, George Fulton and Henry Farley, who claim without right to be trustees of the church, supported and recognized as such by the defendants, John Watson and Joseph Gault, who also without right claim to be ruling elders, are threatening, preparing and about to take unlawful possession of the house of worship and grounds belonging to the church, and to prevent Hays, who is the rightful pastor, from ministering therein, refusing to recognize him as pastor, and to recognize as ruling elder Thomas J. Hackney, who is the sole lawful ruling elder; and that, when they obtain such possession, they will oust Hays and Hackney and those who attend their ministrations, among whom are complainants.

And they further allege that Hackney, whose duty it is as elder, and McDougall, McPherson and Ashcraft, whose duty as trustees it is to protect the rights thus threatened, by such proceeding in the courts as will prevent the execution of the threats and designs of the other defendants, refuse to take any steps to that end.

They further allege that the Walnut Street Church, of which they are members, now forms, and has, ever since its organization in the year 1842, formed, a part of the Presbyterian Church in the United States of America, known as the Old School, which is governed by a written constitution that includes the Confession of Faith, Form of Government, Book of Discipline and Directory for Worship, and that the governing bodies of the general Church, above the Walnut Street Church, are, in successive order, the Presbytery of Louisville, the Synod of Kentucky and the General Assembly of the Presbyterian Church in the United States. That while plaintiffs and about one hundred and fifteen members who worship with them, and Mr. Hays, the pastor, Hackney, the ruling elder, and the trustees, McDougall, McPherson and Ashcraft, are now in full membership and relation with the lawful general Presbyterian Church aforesaid, the defendants named, with about thirty persons formerly members of said church, worshiping under one Dr. Yandell as pastor, have seceded and withdrawn themselves from said Walnut Street Church, and from the general Presbyterian Church in the United States, and have voluntarily connected themselves with, and are now members of, another religious society, and that they have repudiated, and do now repudiate and renounce, the authority and jurisdiction of the various judicatories of the Presbyterian Church in the United States, and acknowledge and recognize the authority of other church judicatories which are disconnected from the Presbyterian Church in the United States and from the Walnut Street Church. And they allege that Watson and Gault have been, by order of the General Assembly of said church, dropped from the roll of elders of said church for having so withdrawn and renounced its jurisdiction, and the Assembly has declared the organization to which plaintiffs adhere to be the true and only Walnut Street Presbyterian Church of Louisville.

They pray for an injunction and for general relief.

The defendants, Hackney, McDougall, McPherson and Ashcraft,

answer, admitting the allegations of the bill, and that, though requested, they had refused to prosecute legal proceedings in the matter.

The other defendants answer and deny almost every allegation in the bill. They claim to be lawful officers of the Walnut Street Presbyterian Church, and that they and those whom they represent are the true members of the church. They deny having withdrawn from the local or the general church, and deny that the action of the General Assembly cutting them off was within its constitutional authority. They say the plaintiffs are not, and never have been, lawfully admitted to membership in the Walnut Street Church, and have no such interest in it as will sustain this suit, and they set up and rely upon a suit still pending in the Chancery Court of Louisville, which they say involves the same subject-matter, and is between the same parties in interest as the present suit. They allege that in that suit they have been decreed to be the only true and lawful trustees and elders of the Walnut Street Church, and an order has been made to place them in possession of the church property, which order remains unexecuted, and the property is still in the possession of the marshal of that court as its receiver. These facts are relied on in bar to the present suit.

This statement of the pleadings is indispensable to an understanding of the points arising in the case. So far as an examination of the evidence may be necessary, it will be made as it is required in the consideration of these points.

The first of these concerns the jurisdiction of the Circuit Court, which is denied; first, on the ground that the plaintiffs have no such interest in the subject of litigation as will enable them to maintain the suit, and, secondly, on matters arising out of the alleged proceedings in the suit in the Chancery Court of Louisville.

The allegation that plaintiffs are not lawful members of the Walnut Street Church is based upon the assumption that their admission as members was by a pastor and elders who had no lawful authority to act as such. As the claim of those elders to be such is one of the matters which this bill is brought to establish, and the denial of which makes an issue to be tried, it is obvious that the objection to the interest of plaintiffs must stand or fall with the decision on the merits, and cannot be decided as a preliminary question. Their right to have this question decided, if there is no other objection to the jurisdiction, cannot be doubted. Some attempt is made, in the answer, to question the good faith of their citizenship, but this seems to have been abandoned in the argument.

In regard to the suit in the Chancery Court of Louisville which the defendants allege to be pending, there can be no doubt but that court is one competent to entertain jurisdiction of all the matters set up in the present suit. As to those matters, and to the parties, it is a court of concurrent jurisdiction with the Circuit Court of the United States, and as between those courts the rule is applicable that the one which has first obtained jurisdiction in a given case must retain it exclusively until it disposes of it by a final judgment or decree.

But when the pendency of such a suit is set up to defeat another, the *case* must be the same. There must be the same parties, or at least such as represent the same interest, there must be the same rights asserted and the same relief prayed for. This relief must be founded on the same facts, and the title or essential basis of the relief sought must be the same.

The identity in these particulars should be such that, if the pending case had already been disposed of, it could be pleaded in bar as a former adjudication of the same matter between the same parties.

In the case of Barrow *vs.* Kindred, 4 Wallace, 397, which was an action of ejectment, the plaintiff showed a good title to the land, and defendant relied on a former judgment in his favor, between the same parties for the same land, the statute of Illinois making a judgment in such an action as conclusive as in other personal actions, except by way of new trial. But this court held that, as in the second suit, plaintiff introduced and relied upon a new and different title, acquired since the first trial, that judgment could be no bar, because that title had not been passed upon by the court in the first suit.

But the principles which should govern in regard to the identity of the matters in issue in the two suits, to make the pendency of the one to defeat the other, are as fully discussed in the case of Buck *vs.* Colbath, 3 Wallace, 334, where that was the main question, as in any case we have been able to find. It was an action of trespass, brought in a State court, against the marshal of the Circuit Court of the United States for seizing property of plaintiff, under a writ of attachment from the Circuit Court. And it was brought while the suit in the Federal Court was still pending, and while the marshal held the property subject to its judgment. So far as the *lis pendens* and possession of the property in one court, and a suit brought for the taking by its officer in another, the analogy to the present case is very strong. In that case the court said: "It is not true that a court, having obtained jurisdiction of a subject-matter of suit, and of parties before it, thereby excludes all other courts from the right to adjudicate upon other matters having a very close connection with those before the first court, and in some instances requiring the decision of the same question exactly. In examining into the exclusive character of the jurisdiction in such cases, we must have regard to the nature of the remedies, the character of the relief sought, and the identity of the parties in the different suits." And it might have been added, to the facts on which the claim for relief is founded.

"A party," says the court, by way of example, "having notes secured by a mortgage on real estate, may, unless restrained by statute, sue in a court of chancery to foreclose his mortgage, and in a court of law to recover a judgment on his note, and in another court of law in an action of ejectment for possession of the land. Here, in all the suits, the only question at issue may be the existence of the debt secured by the mortgage. But as the relief sought is different, and the mode of proceeding different, the jurisdiction of neither court is affected by the proceedings in the other." This opinion contains a critical review of the cases in this court of Hagan *vs.* Lucas, 10 Peters, 402; Peck *vs.* Jenness, 7 How., 624; Taylor *vs.* Carry, 20 How., 594; and Freeman *vs.* Howe, 24 How., 450, cited and relied on by counsel for appellants; and we are satisfied it states the doctrine correctly.

The limits which necessity assigns to this opinion forbid our giving at length the pleadings in the case in the Louisville Chancery Court. But we cannot better state what is and what is not the subject-matter of that suit or controversy, as thus presented and as shown throughout its course, than by adopting the language of the Court of Appeals of Kentucky, in its opinion delivered at the decision of that suit in favor of the present

appellants. "As suggested in argument," says the court, "and apparently conceded on both sides, this is not a case of division or schism in a church, nor is there any question as to which of two bodies should be recognized as the Third or Walnut Street Presbyterian Church. Neither is there any controversy as to the authority of Watson and Gault to act as ruling elders, but the sole inquiry to which we are restricted in our opinion is whether Avery, McNaughton and Leech are also ruling elders, and therefore members of the Session of the church."

The summary which we have already given of the pleadings in the present suit shows conclusively a different state of facts, different issues and a different relief sought. This *is* a case of division or schism in the church. It *is* a question as to which of two bodies shall be recognized as the Third or Walnut Street Presbyterian Church. There *is* a controversy as to the authority of Watson and Gault to act as ruling elders, that authority being denied in the bill of complainants, and so far from the claim of Avery, McNaughton and Leech to be ruling elders being the sole inquiry in this case, it is a very subordinate matter, and it depends upon facts and circumstances altogether different from those set up and relied on in the other suit, and which did not exist when it was brought. The issue here is no longer a mere question of eldership, but it is a separation of the original church members and officers into two distinct bodies, with distinct members and officers, each claiming to be the true Walnut Street Presbyterian Church, and denying the right of the other to any such claim.

This brief statement of the issues in the two suits leaves no room for argument to show that the pendency of the first cannot be pleaded either in bar or in abatement of the second.

The supplementary petition filed by plaintiffs in that case, after the decree of the Chancery Court had been reversed on appeal, and which did contain very much the same matter found in the present bill, was, on motion of plaintiff's counsel, and by order of the court, dismissed, without prejudice, before this suit was brought, and of course was not a *lis pendens* at that time.

It is contended, however, that the delivery, to the trustees and elders of the body of which plaintiffs are members, of the possession of the church building, cannot be granted in this suit, nor can the defendants be enjoined from taking possession as prayed in the bill, because the property is in the actual possession of the marshal of the Louisville Chancery Court as its receiver, and because there is an unexecuted decree of that court ordering the marshal to deliver the possession to defendants.

In this the counsel for appellants are, in our opinion, sustained, both by the law and the state of the record of the suit in that court.

The court, in the progress of that suit, made several orders concerning the use of the church, and finally placed it in the possession of the marshal as a receiver, and there is no order discharging his receivership; nor does it seem to us that there is any valid order finally disposing of the case so that it can be said to be no longer in that court. For though the Chancery Court did, on the 20th of March, 1867, after the reversal of the case in the Court of Appeals, enter an order reversing its former decree and dismissing the bill, with costs, in favor of the defendants, the latter, on application to the appellate court, obtained another order dated June 26. By this order or mandate to the Chancery Court it was

directed to render a judgment in conformity to the opinion and mandate of the court, restoring possession, use and control of the church property to the parties entitled thereto according to said opinion, and so far as they were deprived thereof by the marshal of the Chancery Court under its order.

In obedience to this mandate, the Chancery Court, on the 18th of September, three months after the commencement of this suit, made an order that the marshal restore the possession, use and control of the church building to Henry Farley, George Fulton, B. F. Avery, or a majority of them, as trustees, and to John Watson, Joseph Gault and Thomas J. Hackney, or a majority of them, as ruling elders, and to report how he had executed the order, and reserving the case for such further order as might be necessary to enforce full obedience.

It is argued here by counsel for appellees that the case was, in effect, disposed of by the order of the Chancery Court, and nothing remained to be done which could have any practical operation on the rights of the parties.

But if the Court of Appeals, in reversing the decree of the chancellor in favor of plaintiffs, was of opinion that the defendants should be restored to the position they occupied in regard to the possession and control of the property before that suit began, we have no doubt of their right to make such order as was necessary to effect that object; and as the proper mode of doing this was by directing the chancellor to make the necessary order and have it enforced as chancery decrees are enforced in his court, we are of opinion that the order of the Court of Appeals above recited was, in essence and effect, a decree in that cause for such restoration, and that the last order of the Chancery Court, made in accordance with it, is a valid subsisting decree, which, though final, is unexecuted.

The decisions of this court in the cases of Taylor *vs.* Carryl, 20 How., 594, and Freeman *vs.* Howe, 24 How., 450, and Burk *vs.* Colbath, 5 Wallace, are conclusive that the marshal of the Chancery Court cannot be displaced as to the mere actual possession of the property, because that might lead to a personal conflict between the officers of the two courts for that possession. And the act of Congress of March 2, 1793, 1 U. S. Statute, 334, § 5, as construed in the cases of Diggs *vs.* Walcott, 4 Cranch, 129, and Peck *vs.* Jenness, 7 How., 625, are equally conclusive against any injunction from the circuit court forbidding the defendants to take the possession which the unexecuted decree of the Chancery Court requires the marshal to deliver to them.

But though the prayer of the bill in this suit does ask for an injunction to restrain Watson, Gault, Fulton and Farley from taking possession, it also prays such other and further relief as the nature of the case requires, and especially that said defendants be restrained from interfering with Hays, as pastor, and plaintiffs in worshiping in said church. Under this prayer for general relief, if there was any decree which the Circuit Court could render for the protection of the right of plaintiffs, and which did not enjoin the defendants from taking possession of the church property, and which did not disturb the possession of the marshal of the Louisville Chancery, that court had a right to hear the case and grant that relief. This leads us to inquire what is the nature and character of the possession to which those parties are to be restored.

One or two propositions, which seem to admit of no controversy, are

proper to be noticed in this connection. 1. Both by the act of the Kentucky Legislature creating the trustees of the church a body corporate, and by the acknowledged rules of the Presbyterian Church, the trustees were the mere nominal title-holders and custodians of the church property, and other trustees were or could be elected by the congregation to supply their places once in every two years. 2. That in the use of the property for all religious services or ecclesiastical purposes, the trustees were under the control of the church Session. 3. That by the constitution of all Presbyterian churches, the Session, which is the governing body in each, is composed of the ruling elders and pastor, and in all business of the Session a majority of its members govern, the number of elders for each congregation being variable.

The trustees obviously hold possession for the use of the persons who, by the constitution, usages and laws of the Presbyterian body, are entitled to that use. They are liable to removal by the congregation for whom they hold this trust, and others may be substituted in their places. They have no personal ownership or right beyond this, and are subject, in their official relations to the property, to the control of the Session of the church.

The possession of the elders, though accompanied with larger and more efficient powers of control, is still a fiduciary possession. It is as a Session of the church alone that they could exercise power. Except by an order of the Session in regular meeting, they have no right to make any order concerning the use of the building, and any action of the Session is necessarily in the character of representatives of the church body by whose members it was elected.

If, then, this true body of the church—the members of that congregation—having rights of user in the building, have, in a mode which is authorized by the canons of the general Church in this country, elected and installed other elders, it does not seem to us inconsistent or at variance with the nature of the possession which we have described, and which the Chancery Court orders to be restored to the defendants, that they should be compelled to recognize these rights, and permit those who are the real beneficiaries of the trust held by them, to enjoy the uses, to protect which that trust was created. Undoubtedly, if the order of the Chancery Court had been executed, and the marshal had delivered the key of the church to defendants, and placed them in the same position they were before that suit was commenced, they could in any court having jurisdiction, and in a case properly made out, be compelled to respect the rights we have stated, and be controlled in their use of the possession by the court, so far as to secure those rights.

All that we have said, in regard to the possession which the marshal is directed to deliver to defendants, is equally applicable to the possession held by him pending the execution of that order. His possession is a substitute for theirs, and the order under which he receives that possession, which we have recited, shows this very clearly.

The decree which we are now reviewing seems to us to be carefully framed on this view of the matter. While the rights of plaintiffs and those whom they sue for are admitted and established, the defendants are still recognized as entitled to the possession which we have described; and while they are not enjoined from receiving that possession from the marshal, and he is not restrained from obeying the Chancery Court by delivering it, and while there is no order made on the marshal at all to

interfere with his possession, the defendants are required by the decree to respect the rights of plaintiffs, and to so use the possession and control to which they may be restored as not to hinder or obstruct the true uses of the trust which that possession is intended to protect.

We are next to inquire whether the decree thus rendered is based upon an equally just view of the law as applied to the facts of this controversy. These, though making up a copious record of matter by no means pleasant reading to the sincere and thoughtful Christian philanthropist, may be stated with a reasonable brevity, so far as they bear upon the principles which must decide the case.

From the commencement of the late war of the insurrection to its close the General Assembly of the Presbyterian Church at its annual meetings expressed, in declaratory statements or resolutions, its sense of the obligation of all good citizens to support the Federal Government in that struggle; and when, by the proclamation of President Lincoln, emancipation of the slaves of the States in insurrection was announced, that body also expressed views favorable to emancipation and adverse to the institution of slavery. And at its meeting in Pittsburg in May, 1865, instructions were given to the Presbyteries, the Board of Missions, and to the Sessions of the churches, that when any persons from the Southern States should make application for employment as missionaries, or for admission as members or ministers of churches, inquiry should be made as to their sentiments in regard to loyalty to the government and on the subject of slavery; and if it was found that they had been guilty of voluntarily aiding the war of the rebellion, or held the doctrine announced by the large body of the churches in the insurrectionary States, which had organized a new General Assembly that "the system of Negro slavery in the South is a divine institution, and that it is the peculiar mission of the Southern Church to conserve that institution," they should be required to repent and forsake these sins before they could be received.

In the month of September thereafter, the Presbytery of Louisville, under whose immediate jurisdiction was the Walnut Street Church, adopted and published in pamphlet form what it called a "Declaration and Testimony against the erroneous and heretical doctrines and practices which have obtained and been propagated in the Presbyterian Church of the United States during the last five years."

This declaration denounced, in the severest terms, the action of the General Assembly in the matters we have just mentioned, declared their intention to refuse to be governed by that action, and invited the coöperation of all members of the Presbyterian Church who shared the sentiments of the declaration in a concerted resistance to what they called the usurpation of authority by the Assembly.

It is useless to pursue the history of this controversy further with minuteness.

The General Assembly of 1866 denounced the Declaration and Testimony, and declared that every Presbytery which refused to obey its order should be *ipso facto* dissolved, and called to answer before the next General Assembly, giving the Louisville Presbytery an opportunity for repentance and conformity. The Louisville Presbytery divided, and the adherents of the Declaration and Testimony sought and obtained admission, in 1868, into "The Presbyterian Church of the Confederate States," of which we have already spoken as having several years previously

withdrawn from the General Assembly of the United States and set up a new organization.

We cannot better state the results of these proceedings upon the relations of the church organizations and members, to each other and to this controversy, than in the language of the brief of appellants' counsel in this court.

In January, 1866, the congregation of the Walnut Street Church became divided in the manner stated above, each claiming to constitute the church, although the issue as to membership was not distinctly made in the chancery suit of Avery *vs.* Watson. Both parties at this time recognized the same superior church judicatories.

On the 19th of June, 1866, the Synod of Kentucky became divided, the opposing parties in each claiming to constitute respectively the true Presbytery and the true Synod, each meanwhile recognizing and claiming to adhere to the same General Assembly. Of these contesting bodies the appellants adhered to one, the appellees to the other.

On the 1st of June, 1867, the Presbytery and Synod recognized by the appellants were declared by the General Assembly to be "in no sense a true and lawful Synod and Presbytery in connection with and under the care and authority of the General Assembly of the Presbyterian Church in the United States of America," and were permanently excluded from connection with or representation in the Assembly. By the same resolution the Synod and Presbytery adhered to by appellees were declared to be the true and lawful Presbytery of Louisville and Synod of Kentucky.

The Synod of Kentucky, thus excluded, by a resolution adopted the 28th of June, 1867, declared "that in its future action it will be governed by this recognized sundering of all its relations to the aforesaid revolutionary body (the General Assembly) by the acts of that body itself." The Presbytery took substantially the same action.

In this final severance of Presbytery and Synod from the General Assembly, the appellants and appellees continued to adhere to those bodies at first recognized by them respectively.

In the earliest stages of this controversy it was found that a majority of the members of the Walnut Street Church concurred with the action of the General Assembly, while Watson and Gault as ruling elders, and Fulton and Farley as trustees, constituting, in each case, a majority of the Session and of the trustees, with Mr. McElroy, the pastor, sympathized with the party of the Declaration and Testimony of the Louisville Presbytery. This led to efforts by each party to exclude the other from participation in the Session of the church and the use of the property. This condition of affairs being brought before the Synod of Kentucky before any separation, that body appointed a Commission to hold an election, by the members of the Walnut Street Church, of three additional ruling elders. Watson and Gault refused to open the church for the meeting to hold its election, but the majority of the members of the congregation, meeting on the sidewalk in front of the church, organized and elected Avery, Leech and McNaughton additional ruling elders, who, if lawful elders, constituted, with Mr. Hackney, a majority of the Session. Gault and Watson, Farley and Fulton, refused to recognize them as such, and hence the suit in the Chancery Court of Louisville, which turned exclusively on that question.

The newly elected elders and the majority of the congregation have

adhered to, and been recognized by, the General Assembly as the regular and lawful Walnut Street Church and officers, and Gault and Watson Fulton, Farley and a minority of the members, have cast their fortunes with those who adhered to the Declaration and Testimony party.

The division and separation finally extended to the Presbytery of Louisville and the Synod of Kentucky. It is now complete and apparently irreconcilable, and we are called upon to declare the beneficial uses of the church property, in this condition of total separation between the members of what was once a united and harmonious congregation of the Presbyterian Church.

The questions which have come before the civil courts concerning the rights to property held by ecclesiastical bodies may, so far as we have been able to examine them, be profitably classified under three general heads, which, of course, do not include cases governed by considerations applicable to a Church established and supported by law as the religion of the State:

1. The first of these is when the property which is the subject of controversy has been, by the deed or will of the donor, or other instrument by which the property is held by the express terms of the instrument, devoted to the teaching, support or spread of some specific form of religious doctrine or belief.

2. The second is when the property is held by a religious congregation which, by the nature of its organization, is strictly independent of other ecclesiastical associations, and so far as church government is concerned owes no fealty or obligation to any higher authority.

3. The third is where the religious congregation or ecclesiastical body holding the property is but a subordinate member of some general Church organization, in which there are superior ecclesiastical tribunals, with a general and ultimate power of control, more or less complete, in some supreme judicatory, over the whole membership of that general organization.

In regard to the first of these classes, it seems hardly to admit of a rational doubt that an individual or an association of individuals may dedicate property by way of trust to the purpose of sustaining, supporting and propagating definite religious doctrines or principles, provided that in doing so they violate no law of morality, and give to the instrument by which their purpose is evidenced the formalities which the laws require. And it would seem also to be the obvious duty of the court, in a case properly made, to see that the property so dedicated is not diverted from the trust which is thus attached to its use. So long as there are persons qualified within the meaning of the original dedication, and who are also willing to teach the doctrines or principles prescribed in the act of dedication, and so long as there is any one so interested in the execution of the trust as to have a standing in court, it must be that they can prevent the diversion of the property or fund to other and different uses. This is the general doctrine of courts of equity as to charities, and it seems equally applicable to ecclesiastical matters.

In such case, if the trust is confided to a religious congregation of the Independent or Congregational form of church government, it is not in the power of the majority of that congregation, however preponderant, by reason of a change of views on religious subjects, to carry the property so confided to them to the support of new and conflicting doctrine. A pious man, building and dedicating a house of worship to the sole and

exclusive use of those who believe in the doctrine of the Holy Trinity, and placing it under the control of a congregation which at the time holds the same belief, has a right to expect that the law will prevent that property from being used as a means of support and dissemination of the Unitarian doctrine and as a place of Unitarian worship. Nor is the principle varied when the organization to which the trust is confided is of the second or associated form of church government. The protection which the law throws around the trust is the same.

And though the task may be a delicate one and a difficult one, it will be the duty of the court in such cases, when the doctrine to be taught or the form of worship to be used is definitely and clearly laid down, to inquire whether the party accused of violating the trust is holding or teaching a different doctrine or using a form of worship which is so far variant as to defeat the declared objects of the trust. In the leading case on this subject in the English courts, of the Attorney General *vs.* Pearson, 3 Merrivale, 353, Lord Eldon said, "I agree with the defendants that the religious belief of the parties is irrelevant to the matters in dispute, except so far as the king's court is called upon to execute the trust." This was a case in which the trust deed declared the house which was erected under it was for the worship and service of God. And though we may not be satisfied with the very artificial and elaborate argument by which the chancellor arrives at the conclusion—that because any other view of the nature of the Godhead than the Trinitarian view was heresy by the laws of England, and any one giving expression to the Unitarian view was liable to be severely punished for heresy by the secular courts, at the time the deed was made, that the trust was, therefore, for Trinitarian worship—we may still accept the statement that the court has the right to enforce a trust clearly defined on such a subject.

The case of Miller *vs.* Gable, 2 Denio, 492, appears to have been decided in the Court of Errors of New York on this principle, so far as any ground of decision can be gathered from the opinions of the majority of the court as reported.

The second class of cases which we have described has reference to the case of a church of a strictly congregational or independent organization, governed solely within itself either by a majority of its members or by such other local organism as it may have instituted for the purpose of ecclesiastical government; and to property held by such a church, either by way of purchase or donation, with no other specific trust attached to it in the hands of the church, than that it is for the use of that congregation as a religious society. In such cases, where there is a schism which leads to a separation into distinct and conflicting bodies, the rights of such bodies to the use of the property must be determined by the ordinary principles which govern voluntary associations. If the principle of government in such cases is that the majority rules, then the numerical majority of members must control the right to the use of the property. If there be within the congregation officers in whom are vested the powers of such control, then those who adhere to the acknowledged organism by which the body is governed are entitled to the use of the property.

The minority, in choosing to separate themselves into a distinct body, and refusing to recognize the authority of the governing body, can claim no rights in the property from the fact that they had once been members of the church or congregation.

This ruling admits of no inquiry into the existing religious opinions of those who comprise the legal or regular organization; for if such was permitted, a very small minority, without any officers of the church among them, might be found to be the only faithful supporters of the religious dogmas of the founders of the church. There being no such trust imposed upon the property when purchased or given, the court will not imply one for the purpose of expelling from its use those who, by regular succession and order, constitute the church, because they may have changed in some respect their views of religious truth.

Of the cases in which this doctrine is applied, no better representative can be found than that of Shannon *vs.* Frost, 3 B. Monro, 253, where the principle is ably supported by the learned chief justice of the Court of Appeals of Kentucky.

The case of Smith *vs.* Nelson, 18 Verm., 511, asserts this doctrine in a case where a legacy was left to the associate congregation of Ryegate, the interest whereof was to be annually paid to their minister for ever. In that case, though the Ryegate congregation was one of a number of Presbyterian churches connected with the general Presbyterian body at large, the court held that the only inquiry was whether the society still exists, and whether they have a minister chosen and appointed by the majority and regularly ordained over the society, agreeably to the usage of that denomination.

And though we may be of opinion that the doctrine of that case needs modification so far as it discusses the relation of the Ryegate congregation to the other judicatories of the body to which it belongs, it certainly lays down the principle correctly if that congregation was to be treated as an independent one.

But the third of these classes of cases is the one which is oftenest found in the courts, and which, with reference to the number and difficulty of the questions involved and to other considerations, is every way the most important.

It is the case of property acquired in any of the usual modes for the general use of a religious congregation which is itself part of a large and general organization of some religious denomination, with which it is more or less intimately connected by religious views and ecclesiastical government.

The case before us is one of this class, growing out of a schism which has divided the congregation and its officers and the Presbytery and Synod, and which appeals to the courts to determine the right to the use of the property so acquired. Here is no case of property devoted for ever by the instrument which conveyed it, or by any specific declaration of its owner, to the support of any special religious dogmas or any peculiar form of worship, but of property purchased for the use of a religious congregation; and so long as any existing religious congregation can be ascertained to be that congregation or its regular and legitimate successor, it is entitled to the use of the property. In the case of an independent congregation, we have pointed out how this identity or succession is to be ascertained, but in cases of this character we are bound to look at the fact that the local congregation is itself but a member of a much larger and more important religious organization, and is under its government and control, and is bound by its orders and judgments. There are in the Presbyterian system of ecclesiastical government, in regular succession, the Presbytery over the Session or local

church, the Synod over the Presbytery, and the General Assembly over all. These are called, in the language of the Church organs, judicatories, and they entertain appeals from the decisions of those below, and prescribe corrective measures in other cases.

In this class of cases we think the rule of action which should govern the civil courts, founded in a broad and sound view of the relations of Church and State under our system of laws, and supported by a preponderating weight of judicial authority, is that, whenever the questions of discipline or of faith or ecclesiastical rule, custom or law, have been decided by the highest of these church judicatories to which the matter has been carried, the legal tribunals must accept such decisions as final, and as binding on them in their application to the case before them.

We concede at the outset that the doctrine of the English courts is otherwise. In the case of the Attorney General against Pearson, cited before, the proposition is laid down by Lord Eldon and sustained by the peers that it is the duty of the court in such cases to inquire and decide for itself not only what was the nature and power of these church judicatories, but what is the true standard of faith in the church organization, and which of the contending parties before the court holds to this standard. And in the subsequent case of Craigdallie *vs.* Aikman, 2 Bligh, 529, the same learned judge expresses in strong terms his chagrin that the Court of Sessions of Scotland, from which the case had been appealed, had failed to find on this latter subject, so that he could rest the case on religious belief, but had declared that in this matter there was no difference between the parties.

And we can very well understand how the lord chancellor of England, who is, in his office, in a large sense, the head and representative of the Established Church, who controls very largely the Church patronage, and whose judicial decision may be, and not infrequently is, invoked in cases of heresy and ecclesiastical contumacy, should feel, even in dealing with a dissenting church, but little delicacy in grappling with the most abstruse problems of theological controversy, or in construing the instruments which those churches have adopted as their rules of government, or inquiring into their customs and usages. The dissenting church in England is not a free church, in the sense in which we apply the term in this country; and it was much less free in Lord Eldon's time than now. Laws then existed upon the statute book hampering the free exercise of religious belief and worship in many most oppressive forms; and though Protestant dissenters were less burdened than Catholics and Jews, there did not exist that full, entire and practical freedom for all forms of religious belief and practice which lies at the foundation of our political principles. And it is quite obvious, from an examination of the series of cases growing out of the organization of the Free Church of Scotland, found in Shaw's reports of cases in the Court of Sessions, that it was only under the pressure of Lord Eldon's ruling, established in the House of Lords, to which final appeal lay in such cases, that the doctrine was established in the Court of Sessions after no little struggle and resistance.

The full history of the case of Craigdallie *vs.* Aikman in the Scottish court, which we cannot further pursue, and the able opinion of Lord Meadowbank in Galbraith *vs.* Smith, 15 Shaw, 808, show this conclusively.

In this country the full and free right to entertain any religious belief,

to practice any religious principle, and to teach any religious doctrine which does not violate the laws of morality and property, and which does not infringe personal rights, is conceded to all. The law knows no heresy, and is committed to the support of no dogma, the establishment of no sect. The right to organize voluntary religious associations, to assist in the expression and dissemination of any religious doctrine, and to create tribunals for the decision of controverted questions of faith within the association, and for the ecclesiastical government of all the individual members, congregations and officers within the general association, is unquestioned. All who unite themselves to such a body do so with an implied consent to this government, and are bound to submit to it. But it would be a vain consent, and would lead to the total subversion of such religious bodies, if any one aggrieved by one of their decisions should appeal to the secular courts and have them reversed. It is of the essence of these religious unions, and of their right to establish tribunals for the decision of questions arising among themselves, that those decisions should be binding in all cases of ecclesiastical cognizance, subject only to such appeals as the organism itself provides for.

Nor do we see that justice would be likely to be promoted by submitting those decisions to review in the ordinary judicial tribunal. Each of these large and influential bodies (to mention no others, let reference be had to the Protestant Episcopal, the Methodist Episcopal, and the Presbyterian Churches) has a body of constitutional and ecclesiastical law of its own, to be found in their written organic laws, their books of discipline, in their collections of precedents, in their usage and customs, which as to each constitute a system of ecclesiastical law and religious faith that tasks the ablest minds to become familiar with. It is not to be supposed that the judges of the civil courts can be as competent in the ecclesiastical law and religious faith of all these bodies as the ablest men in each are in reference to their own. It would, therefore, be an appeal from the more learned tribunal in the law which should decide the case to one which is less so.

We have said that these views are supported by the preponderant weight of authority in this country; and for the reasons which we have given, we do not think the doctrines of the English Chancery Court on this subject should have with us the influence which we would cheerfully accord to it on others.

We have already cited the case of Shannon *vs.* Frost, 3 Ben. Monro, in which the appellate court of the State, where this controversy originated, sustains the proposition clearly and fully. "This court," says the chief justice, "having no ecclesiastical jurisdiction, cannot revise or question ordinary acts of church discipline. Our only judicial power in the case arises from the conflicting claims of the parties to the church property and the use of it. We cannot decide who ought to be members of the church, nor whether the excommunicated have been justly or unjustly, regularly or irregularly, cut off from the body of the church."

In the subsequent case of Gibson *vs.* Armstrong, 7 B. Monro, 481, which arose out of the general division of the Methodist Episcopal Church, we understand the same principles to be laid down as governing that case; and in the case of Watson *vs.* Avery, 2 Bush., 332, the case relied on by appellants as a bar, and considered in the former part of this opinion, the doctrine of Shannon *vs.* Frost is in general terms conceded, while a distinction is attempted which we shall consider hereafter.

One of the most careful and well-considered judgments on the subject is that of the Court of Appeals of South Carolina, delivered by Chancellor Johnson, in the case of Harmon *vs.* Dreher, 2 Speer's Eq., 87. The case turned upon certain rights in the use of the church property claimed by the minister, notwithstanding his expulsion from the Synod as one of its members.

"He stands," says the chancellor, "convicted of the offences alleged against him, by the sentence of the spiritual body of which he was a voluntary member, and by whose proceedings he had bound himself to abide. It belongs not to the civil power to enter into or review the proceedings of a spiritual court. The structure of our government has, for the preservation of civil liberty, rescued the temporal institutions from religious interference. On the other hand, it has secured religious liberty from the invasion of the civil authority. The judgments, therefore, of religious associations bearing on their own members are not examinable here, and I am not to inquire whether the doctrines attributed to Mr. Dreher were held by him, or whether if held were anti-Lutheran, or whether his conduct was or was not in accordance with the duty he owed to the Synod or to his denomination. . . . . When a civil right depends upon an ecclesiastical matter, it is the civil court, and not the ecclesiastical, which is to decide. But the civil tribunal tries the civil right and no more, taking the ecclesiastical decisions out of which the civil right arises as it finds them." The principle is reaffirmed by the same court in the John's Island Church case, 2 Richardson Eq., 215.

In Den *vs.* Bolton, 7 Halstead, 206, the Supreme Court of New Jersey asserts the same principles; and though founding its decision mainly on a statute, it is said to be true on general principles.

The Supreme Court of Illinois in the case of Ferraria *vs.* Vaucancelles, 25 Ill., 456, refers to the case of Shannon *vs.* Frost, 3 B. Monro, with approval, and adopts the language of the court, that "the judicial eye cannot penetrate the veil of the Church for the forbidden purpose of vindicating the alleged wrongs of excised members; when they became members, they did so upon the condition of continuing or not as they and their churches might determine, and they thereby submit to the ecclesiastical power, and cannot now invoke the supervisory power of the civil tribunals."

In the very important case of Chase *vs.* Cheny, recently decided in the same court, Judge Lawrence, who dissented, says, we understand the opinion as implying that in the administration of ecclesiastical discipline, and where no other right of property is involved than loss of the clerical office or salary incident to such discipline, a spiritual court is the exclusive judge of its own jurisdiction, and that its decision of that question is binding on the secular courts. And he dissents with Judge Sheldon from the opinion because it so holds.

In the case of Watson *vs.* Farris, 45 Missouri, 183, which was a case growing out of the schism in the Presbyterian Church in Missouri in regard to this same declaration and testimony and the action of the General Assembly, that court held that whether a case was regularly or irregularly before the Assembly was a question which the Assemby had the right to determine for itself, and no civil court could reverse, modify or impair its action in a matter of merely ecclesiastical concern.

We cannot better close this review of the authorities than in the language of the Supreme Court of Pennsylvania in the case of the

German Reformed Church *vs.* Siebert, 5 Barr., 291: "The decisions of ecclesiastical courts, like every other judicial tribunal, are final, as they are the best judges of what constitutes an offence against the Word of God and the discipline of the Church. Any other than those courts must be incompetent judges of matters of faith, discipline and doctrine; and civil courts, if they should be so unwise as to attempt to supervise their judgments on matters which come within their jurisdiction, would only involve themselves in a sea of uncertainty and doubt which would do anything but improve either religion or good morals."

In the subsequent case of McGinnis *vs.* Watson, 41 Penn. Stat., 21, this principle is again applied and supported by a more elaborate argument.

The Court of Appeals of Kentucky, in the case of Watson *vs.* Avery, before referred to, while admitting the general principle here laid down, maintains, "that when a decision of an ecclesiastical tribunal is set up in the civil courts," it is always open to inquiry whether the tribunal acted within its jurisdiction; and if it did not, its decisions could not be conclusive.

There is, perhaps, no word in legal terminology so frequently used as the word jurisdiction, so capable of use in a general and vague sense, and which is used so often by men learned in the law without a due regard to precision in its application. As regards its use in the matters we have been discussing, it may very well be conceded that if the General Assembly of the Presbyterian Church should undertake to try one of its members for murder, and punish him with death or imprisonment, its sentence would be of no validity in a civil court or anywhere else. Or if it should, at the instance of one of its members, entertain jurisdiction as between him and another member as to their individual right to property, real or personal, the right in no sense depending on ecclesiastical questions, its decisions would be utterly disregarded by any civil court where it might be set up, and it might be said, in a certain general sense very justly, that it was because the General Assembly had no jurisdiction in the case. Illustrations of this character could be multiplied in which the proposition of the Kentucky Court would be strictly applicable.

But it is a very different thing where a subject-matter of dispute strictly and purely ecclesiastical in its character—a matter over which the civil courts exercise no jurisdiction—a matter which concerns theological controversy, church discipline, ecclesiastical government or the conformity of the members of the church to the standard of morals required of them—becomes the subject of its action. It may be said here, also, that no jurisdiction has been conferred on the tribunal to try the particular case before it, or that in its judgment it exceeds the powers conferred upon it, or that the laws of the Church do not authorize the particular form of proceeding adopted; and in a sense often used in the courts, all of those may be said to be questions of jurisdiction. But it is easy to see that if the civil courts are to inquire into all these matters, the whole subject of the doctrinal theology, the usages and customs, the written laws and fundamental organization of every religious denomination, may and must be examined into with minuteness and care, for they would become in almost every case the *criteria* by which the validity of the ecclesiastical decree would be determined in the civil court. This principle would deprive these bodies of the right of

construing their own church laws, would open the way to all the evils which we have depicted as attendant upon the doctrine of Lord Eldon, and would, in effect, transfer to the civil courts, where property rights were concerned, the decision of all ecclesiastical questions.

And this is precisely what the Court of Appeals of Kentucky did in the case of Watson *vs.* Avery. Under cover of inquiries into the jurisdiction of the Synod and Presbytery over the congregation, and of the General Assembly over all, it went into an elaborate examination of the principles of Presbyterian Church government, and ended by overruling the decision of the highest judicatory of that Church in the United States both on the jurisdiction and the merits, and substituting its own judgment for that of the ecclesiastical court, decides that ruling elders, declared to be such by that tribunal, are not such, and must not be recognized by the congregation, though four-fifths of its members believe in the judgment of the Assembly and desire to conform to its decree.

But we need pursue this subject no further. Whatever may have been the case before the Kentucky court, the appellants, in the case presented to us, have separated themselves wholly from the church organization to which they belonged when this controversy commenced. They now deny its authority, denounce its action and refuse to abide by its judgments. They have first erected themselves into a new organization, and have since joined themselves to another totally different, if not hostile, to the one to which they belonged when the difficulty first began. Under any of the decisions which we have examined, the appellants in their present position have no right to the property, or the use of it, which is the subject of this suit.

The novelty of the questions presented to this court for the first time, their intrinsic importance and far-reaching influence, and the knowledge that the schism in which the case originated has divided the Presbyterian churches throughout Kentucky and Missouri, have seemed to us to justify the careful and laborious examination and discussion which we have made of the principles which should govern the case.

For the same reasons we have held it under advisement for a year, not uninfluenced by the hope that, since the civil commotion which evidently lay at the foundation of the trouble has passed away, that charity which is so large an element in the faith of both parties, and which, by one of the apostles of that religion, is said to be the greatest of all the Christian virtues, would have brought about a reconciliation.

But we have been disappointed. It is not for us to determine or apportion the moral responsibility which attaches to the parties for this result. We can only pronounce the judgment of the law as applicable to the case presented to us, and that requires us to affirm the decree of the circuit court as it stands.

The chief justice did not sit on the argument of this case, and took no part in its decision.—1872, pp. 177–190.

CHAPTER III.

OF THE OFFICERS OF THE CHURCH.

I. Our blessed Lord at first collected his Church out of different nations, and formed it into one body by the mission of men endued with miraculous gifts, which have long since ceased.

[NOTE.—See Confession of Faith, Chap. xxv, Sec. iii.]

II. The ordinary and perpetual officers in the Church are Bishops or Pastors; the representatives of the people, usually styled Ruling Elders; and Deacons.

[NOTE.—See under Chapters iv, v, vi.]

CHAPTER IV.

OF BISHOPS OR PASTORS.

The pastoral office is the first in the Church, both for dignity and usefulness. The person who fills this office hath in the Scripture obtained different names expressive of his various duties. As he has the oversight of the flock of Christ, he is termed bishop.* As he feeds them with spiritual food, he is termed pastor. As he serves Christ in his Church, he is termed minister. As it is his duty to be grave and prudent and an example of the flock, and to govern well in the house and kingdom of Christ, he is termed presbyter or elder. As he is the messenger of God, he is termed the angel of the Church. As he is sent to declare the will of God to sinners and to beseech them to be reconciled to God through Christ, he is termed ambassador. And as he dispenses the manifold grace of God and the ordinances instituted by Christ, he is termed steward of the mysteries of God.

I. THE PASTORAL RELATION.

1. Fidelity in pastoral duties enjoined.

a. Upon an overture to the Synod, in pursuance of an order of the Committee to that purpose, viz., to use some proper means to revive the declining power of godliness, the Synod do earnestly recommend it to all our ministers and members to take particular care about ministerial visiting of families, and press family and secret worship, according to the Westminster Directory, and that they also recommend it to every Presbytery at proper seasons to inquire concerning the diligence of each of their members in such particulars.

This overture was approved *nemine contradicente.*—1733, p. 105.

b. And the Synod does further recommend unanimously to all our Presbyteries to take effectual care that each of their ministers are faithful in the discharge of their awful trust. And in particular, that they frequently examine, with respect to each of their members, into their life and conversation, their diligence in their work, and their methods of discharging their ministerial calling. Particularly that each Presbytery do, at least once a year, examine into the manner of each minister's preaching, whether he insist in his ministry upon the great articles of Christianity, and in the course of his preaching recommend a crucified Saviour to his hearers as the only foundation of hope, and the absolute necessity of the omnipotent influences of the divine grace to enable them to accept of this Saviour; whether he do, in the most solemn and affecting manner he can, endeavor to convince his hearers of their lost and

* As the office and character of the gospel minister is particularly and fully described in the Holy Scriptures under the title of "bishop," and as this term is peculiarly expressive of his duty as an overseer of the flock, it ought not to be rejected.

miserable state whilst unconverted, and put them upon the diligent use of those means necessary in order to obtaining the sanctifying influences of the Spirit of God; whether he do, and how he doth, discharge his duty toward the young people and children of his congregation in a way of catechising and familiar instruction; whether he do, and in what manner he doth, visit his flock and instruct them from house to house.

And the Synod hereby orders that a copy of this minute be inserted into the books of each of our Presbyteries, and be read at every of their Presbyterial meetings, and a record of its being read minuted in said books at the beginning of every session, and that there be also an annual record in each Presbytery book of a correspondence with this minute. And in case any minister within our bounds shall be found defective in any of the above-mentioned cases, he shall be subject to the censure of the Presbytery, and if he refuse subjection to such censure, the Presbytery are hereby directed to represent his case to the next Synod. And the Synod recommends to each of the ministers within our bounds to be as much in catechetical doctrines as they in prudence may think proper. —1734, p. 111.

c. That in the discharge of pastoral duties, they take the utmost care that the Word of God be known and understood by the people, and that for this purpose, in their public instructions the practice of lecturing on certain portions of holy Scripture be not laid aside, but rather revived and increased; that they endeavor, where it is prudent and practicable, to institute private societies for reading, prayer, and pious conversation; above all, that they be faithful in the duties of family visitation and the catechetical instruction of children and youth. And that in order to aid these views, they endeavor to engage the sessions of the respective congregations, or other men most distinguished for intelligence and piety in them, to assume as trustees the superintendence and inspection of the schools established for the initiation and improvement of children in the elements of knowledge; to see that they be provided with teachers of grave and respectable characters; and that these teachers, among other objects of their duty, instruct their pupils in the principles of religion, which should be done as often as possible in the presence of one or more of the aforesaid trustees, under the deep conviction that the care and education of children, the example set before them, and the first impressions made on their minds are of the utmost importance to civil society as well as to the church.—1799, p. 182.

[Note.—See also under Directory for Worship, Chaps. i, vi and Minutes *passim*, for duties, etc., of a pastor, and under Form of Government, Chaps. xv, xvi and xvii, for questions relating to the pastoral office. Also Chap. x, Sec. viii.]

2. The pastoral relation emphasized and encouraged.

The following paper in reference to the pastoral relation was adopted:

The General Assembly deems it important to reiterate and enforce the doctrine of our Standards in regard to the pastoral relation, as the scriptural, apostolic, and permanent order for the edifying of the body of Christ and the extension of saving influences throughout the world. This was evidently the view of the subject held by those who laid the foundations of the Presbyterian Church, who drew the wondrous plan of its organization, and impressed upon it those features which give it so striking a resemblance to the churches presided over by the apostle John, by Timothy, by the venerable Polycarp, and others in those times

of early development under the special guidance of divine inspiration. Nothing is more fundamental in our order than the law which calls for an educated, pious, ordained, settled, permanent ministry. Our Book recognizes no ministerial relation to the Church as thoroughly legitimate and vital but that of a regularly constituted pastorate; all besides this it regards as exceptional and temporary.

As an Assembly we feel solemnly bound to remind the Presbyteries and churches of these facts, and to express our deep sense of the danger which threatens us, in consequence of a very manifest decline from the law and the practice of our fathers on this subject, and the growing evil of frequent change of pastoral relations, in consequence of which we are somewhat losing a peculiarity which has given us distinction in times past, and are becoming more and more, in this respect, like those denominations among whom change is not exceptional, but an adopted principle and a confirmed habit. For Presbyterians this tendency is alarming. The Assembly would therefore warn all concerned to be on their guard against it. Since much depends upon the views of the subject with which young men enter the ministry, we would respectfully suggest, to the teachers in our theological seminaries, the importance of emphasizing their instructions in regard to the pastoral office, as one to be desired and sought as a divine and permanent institution, and as absolutely essential to the most healthful development and increase of the Church and the Christian cause. We would also earnestly call upon all our churches to coöperate with their Presbyteries in creating and extending a public sentiment favoring the formation of pastoral relationships which time and years shall only serve to strengthen and to hallow, and which may suitably represent in outward form the stable tendencies of our ancient and orthodox faith. Our people must be encouraged to call pastors with a view of keeping them; and our ministers must enter the pastorate to abide. When the two parties come together with such views and purposes, they will be so joined together that man may not and only God can put them asunder. At the same time, the Assembly would deprecate undue haste in the consummation of pastoral ties as itself prophetic of speedy dissolution. We would advise the parties to take time to ascertain whether they have a proper liking and fitness for each other, and not marry under the first impulse of inclination, much less on account of what, at the moment, may appear the *best* or the *only* chance. Relationships designed to be lasting must be carefully considered and prayerfully entered into; then will the causes which so frequently unsettle or disturb be powerless, and the beautiful order of the pastorate will remain, to the praise of God and the glory of the Church, in the midst of changes which mar all other relations and vitiate so many of the works of man.—1877, pp. 542, 543.

3. Ministerial rights unaffected by being honorably retired.

From the Synod of Cleveland, inquiring whether those ministers whose names in the Assembly's *Minutes* are followed by the letters "H. R." have still the right to preach, to administer the sacraments, to sit in the higher judicatories of the Church, and to exercise other functions of the ministry, as in former times. The Committee recommend that the following answer be returned: The designation referred to in the overture does not affect, in any way, the status of the minister, or deprive him of any of the functions of his office.—Adopted 1875, p. 507.

[Note.—See also Form of Government, Chap. x, Sec. viii.]

4. Installation of pastors-elect insisted on, and none to be designated as P. E. whose call has not been regularly acted on.

The Committee of Bills and Overtures reported the following resolution:

Whereas, It is commonly reported that in several of our Presbyteries the custom prevails, first, of permitting ministers who have received calls from churches to serve such churches through a series of years without installation; and, secondly, of placing the names of such ministers in the statistical tables as pastors-elect (P. E.); and,

Whereas, Such customs are manifestly inconsistent with the express requirements or implications of Form of Government, Chap. xv, viii, and xvi, iii; therefore,

Resolved, That all our Presbyteries be enjoined:

1. To take order that as soon as possible after a licentiate or ordained minister has been called by a church and the call been approved and accepted such person be installed as pastor of the church calling him.

2. To place the names of none in the statistical tables as pastors-elect (P. E.) whose calls have not been regularly approved by the Presbytery having charge of the church issuing the call, and who have not signified their acceptance thereof and readiness for installation.—Adopted 1886, p. 56.

II. STATED SUPPLIES.

1. Stated supplies to be discouraged.

a. The Committee on Overture No. 9, viz., a memorial from East Hanover Presbytery on inefficiency in the ministry, made the following report, which was adopted, viz.: . . . . 3. That it be enjoined on all the Presbyteries to take such measures as they may deem expedient for forming the pastoral relation in a regular manner in all cases where churches are now served by stated supplies, unless there be special reasons to the contrary, of which reasons the Presbytery is required to judge, and to make their judgment matter of record on their minutes.—1834, p. 450.

b. "*Resolved*, That it be enjoined on all the Presbyteries to take early and efficient measures for terminating, as far as possible, the growing evil of the system of stated supplies, and for leading all our churches to seek the regular installation of their stated teachers as pastors in the full sense of the term, as used in our Form of Government."—1839, p. 177, O. S.

c. "The pastoral office should be more and more highly appreciated, practically honored and mainly promoted in all our judicatories and churches as the ordinary, the permanent, and the incomparable way of the Lord in promoting his own cause and in educating his people for heaven."—1840, p. 17, N. S.; confirmed 1886, p. 56.

d. "That the relation of stated supply which has grown up between many of our churches and ministers is unknown in our system, and tends to disorder and injury in many ways. The Presbyteries are therefore directed to supplant it, as far as possible, in all cases by the regular pastoral relation; and to discountenance it as a permanent relation."—1842, p. 29, O. S.; 1895, p. 102.

e. "Churches having stated supplies only are not such churches as are contemplated in Form of Government, Chap. x, Sec. iv, and have a right of representation according to the principles of the Form of Government, Chap. x, Sec. v."—1851, p. 15, N. S.; 1886, p. 56.

f. *Resolved*, That this Assembly observes with solicitude and deep regret, the wide extent to which the practice of admitting stated supplies prevails throughout the Church, and would call the attention of our Presbyteries especially to the importance of discouraging this practice, and would recommend that our Presbyteries, as far as possible, insist upon the institution of the pastoral relation.—1887, p. 141.

2. Presbytery can terminate stated supply at discretion.

"*Resolved*, That as Mr. Clapp was merely a stated supply of the church in New Orleans, the Presbytery of Mississippi had a right, and it was their duty, under existing circumstances, to adopt measures to detach him from said congregation."—1831, p. 340.

3. Evangelists not to be ordained to serve as stated supplies.

"That while the instability of the pastoral relation arises out of the uneasiness incident to growing and changing communities, and so cannot be removed by legislation, still the Presbyteries themselves can do much to abate it by honoring the pastoral relation, and declining, except in extraordinary cases, to ordain young men as evangelists to serve as stated supplies."—1869, p. 262, N. S.; 1886, p. 56.

4. Stated supplies have no pastoral powers.

Overture from the Presbytery of Knox, asking a reply to the question, Has a stated supply the right, power, and prerogative in the church Session as a pastor?

The Committee respectfully recommend that the Assembly answer the overture in the negative.

The report was adopted.—1877, p. 549.

5. Have only such rights as may be conferred by Presbytery.

It was *Resolved*, That the question submitted by the Presbytery of Los Angeles, as to what rights and prerogatives belonging to a pastor a stated supply had not, be answered, That stated supplies have such rights and prerogatives as may be expressly conferred on them by the Presbytery, and no other.—1878, p. 120.

6. Should not preach in the pulpits of any Presbytery without its consent.

Overtures from the Presbyteries of Lackawanna and Binghamton. Stated supplies should not preach in the pulpits of any Presbytery without its consent; and, when the consent is refused, the Presbytery to which such minister serving as stated supply belongs, being notified, should recall him within its own bounds.—Adopted 1874, p. 83.

7. A pastor-elect not stated supply ipso facto.

A pastor-elect is not stated supply by any virtue of the call in progress.—1880, p. 45.

[See also under Form of Government, Chap. ix, Sec. iii, below.]

8. Deliverances on stated supplies reaffirmed.

The Committee recommend the adoption of the following: *Resolved*, That the careful attention of Presbyteries be directed to the deliverances of past Assemblies on the subject of stated supplies, as they are set forth

in Chap. iv of Moore's *Digest* (1886, pp. 112, 113), and also in the Supplement of said *Digest*, pp. 476–478, all which deliverances are hereby reaffirmed by this Assembly.—1886, p. 56.

9. What is a stated supply; and what is a vacant church?

Overture from the Presbytery of Bloomington, asking an answer to the following questions: 1. What is a stated supply? 2. What is a vacant church?

Answer. Question 1. The official title "stated supply" is unknown to our system (Moore's *Digest*, 1886, p. 113). Inasmuch, however, as the growing evil has been recognized by the Assembly, in so far as to adopt a rule for the record of stated supplies in its *Minutes* (see *Minutes*, 1894, p. 350, Item 5), it is recommended that the Assembly reply to the overture, that a stated supply is a minister employed by a church, with the authority of Presbytery, for a definite time or period of service.

Answer. Question 2. "Every congregation or church is vacant which has not a pastor duly installed" (Moore's *Digest*, 1886, p. 139). Adopted.—1895, p. 102.

CHAPTER V.

OF RULING ELDERS.

Ruling Elders are properly the representatives of the people, chosen by them for the purpose of exercising government and discipline, in conjunction with pastors or ministers. This office has been understood, by a great part of the Protestant Reformed Churches, to be designated in the holy Scriptures, by the title of governments; and of those who rule well, but do not labor in the Word and doctrine.

[NOTE.—See under Form of Government, Chap. xiii.]

1. Ruling elders assistants to ministers.

For the better establishing and settling congregations, it is ordered and appointed that in every congregation there be a sufficient number of assistants chosen to aid the minister in the management of congregational affairs.—1714, p. 37.

2. The eldership essential to the existence of a Presbyterian Church.

The report of the Committee to examine the records of the Synod of the Western Reserve was adopted, and is as follows, viz.: That the records be approved, with the exception of the sentiment on page 154, viz., that the eldership is not essential to the existence of the Presbyterian Church. In the opinion of the Committee the Synod advance a sentiment that contravenes the principles recognized in our Form of Government, Chap. ii, Sec. iv; Chap. iii, Sec. ii; Chap. v; Chap. ix, Secs. i, ii.—1833, p. 404.

[NOTE.—This does not forbid the forming of congregations for religious worship, where they may not have suitable persons among them to sustain the office of ruling elder. See Chap. ii, Sec. iv, and *Minutes*, 1890, pp. 113–119.]

3. Elders must be duly elected and set apart.

[NOTE.—See Form of Government, Chap. xiii, Secs. i, ii, iv, viii.

4. A ruling elder without charge has no seat in a church court.

Resolved, That no ruling elder, who has retired from the active exercise of his office in the church to which he belongs, can be admitted as a member of Presbytery, Synod, or General Assembly.—1835, p. 489.

NOTE.—See Chap. xiii, Sec. viii (Term Service): "*Provided*, That elders, once ordained, shall not be divested of the office when they are not re-elected, but shall be entitled to represent that particular church in the higher judicatories, when appointed by the Session or the Presbytery."]

5. An elder cannot hold office in two churches at the same time.

The Judicial Committee reported that, by permission of the Assembly, a complaint was presented to them by the Rev. Dr. Ashbel Green, in behalf of a minority, against a decision of the Synod of Philadelphia,* recorded on the Synod book, page 168, by which complaint the following question is presented for the decision of the Assembly, viz.:

Is it consistent with the Constitution of this Church for the same individual to hold the office of ruling elder in two different churches at the same time?

When it was resolved by the Assembly that the decision of the Synod be affirmed, and the complaint dismissed.—1827, p. 204.

6. Nor adjudicate in a church of which he is not an elder.

[NOTE.—See under Chap. ix, Sec. i (3), p. 158.]

7. An elder has the same right to sit in Synod as in Presbytery.

Has an elder, whom the discipline of our Church authorizes to sit as a member in Presbytery, from a vacant congregation or united congregations, a right by that discipline to sit in Synod, as a representative of such congregation or congregations?

The question was determined in the affirmative.—1808, p. 403.

8. When an elder has been suspended from church privileges, and is restored, he is not thereby restored to office.

"When an elder has been suspended from church privileges, for an offence, and again restored to the privileges of the church, is he also restored to his office as a ruling elder?" should be answered in the negative. The two things are distinct; and since an elder, as well as a minister, may be suspended from his office, and not from the communion of the church, so there may be reasons for continuing his suspension from his office after he is restored to the privileges of the church. He cannot be restored to the functions of his office without a special and express act of the Session for that purpose, with the acquiescence of the church.—1836, p. 521.

9. Elders are not to participate in the ordination of ministers by the laying on of hands.

a. In answer to a communication from the Presbytery of the Western District on the subject of allowing ruling elders to unite in the imposition of hands in the ordination of bishops: The Committee unanimously recommend an adherence to the order, and, until recently, the uniform

* The Synod having rejected a resolution declaring it lawful for an elder to exercise the office in two different congregations at the same time.

practice of our Church on this subject, viz.: to allow preaching elders or bishops only to engage in that service.

Which was adopted.—1842, p. 16, O. S.

b. *Resolved*, That it is the judgment of this General Assembly that neither the Constitution nor the practice of our Church authorizes ruling elders to impose hands in the ordination of ministers. [Yeas 138, nays 7, *non liquet* 1, excused 2.]—1843, p. 183, O. S.

c. In answer to a request to reverse the above decision, the Assembly *Resolved*, That in the opinion of this Assembly, the last Assembly, in determining that ruling elders are not authorized by the Form of Government to impose hands in the ordination of ministers, did not depreciate the office of ruling elder, nor did they in any respect contravene the letter or the spirit of the Constitution, or the principles and practice of Presbyterian Churches in Europe or America since the Reformation; but in conformity with both the principles and practice of our own and other Presbyterian Churches, they did decide that as the rite of ordination is simply a declaratory ministerial act, the laying on of hands as a part thereof belongs properly to ordained ministers, while to ruling elders is left unimpaired and unquestioned the full and rightful power of ordering the work of ordination, and of judging in the discipline of ministers in common with those Presbyters who labor in word and doctrine, as in all other cases. [Yeas 154, nays 25.]—1844, p. 370, O. S.

[Against the above action a protest, signed by twenty-two members of the Assembly, was entered and received. The protest and the answer of the Assembly may be found in Baird's Collection, revised edition, pp. 75–80.]

d. The Committee on the Polity of the Church reported an answer to the inquiry, "Ought the eldership to participate in the ordination of ministers by laying on of hands?" as follows:

It is a recognized principle of our Church polity, in accordance, as we believe, with apostolic teaching, that bishops, ministers and elders constitute but one grade or rank of officers in the Christian Church, and hence that in all our Church judicatories they have equal rights and powers. In all the judicial business of the Church all are Presbyters alike. (See Form of Government, Chap. ix, Secs. i, ii, iv; Chap. x, Secs. ii to vii; Chap. xi, Secs. i, ii; and Chap. xii, Sec. ii.) Still it cannot be denied that in the Bible a distinction is recognized between those Presbyters who rule only and those who both rule and preach. In the practice of the Presbyterian Church in all its branches this distinction has become very marked. Some are set apart expressly to preach the Gospel and to administer the ordinances of God's house. They are Presbyters in common with others; but as ministers of Christ, they have functions and rights peculiar to themselves, and are required to possess proper qualifications. In the ordination of ministers your Committee believe there are two distinct things to be done: 1. The examination and approval of the candidate. In this all the members of the Presbytery participate alike; and, 2. The formal act of induction into office, in which, by almost universal consent, as we suppose, only ministers officiate. It is true our Form of Government, Chap. xv, Sec. xiv, speaks of the whole Presbytery as laying on hands and giving the right hand of fellowship. But every statute should be construed consistently with itself and with general usage under the statute. Your Committee would suggest that the act of induction is ministerial, not judicial. And

as in respect to baptism, the elders, jointly with the pastor, determine who shall be admitted to this ordinance; yet the pastor only administers it; so in ordination—the whole Presbytery determine the fitness of the candidate, but only the ministers present induct into office. This, we believe, has been the universal practice under this rule; and that this usage was intended by the framers of the book seems probable from the fact that in the form of induction those aiding in the service are directed to extend to the new minister their right hands, saying, "*We give you the right hand of fellowship to take part of this ministry with us.*" This language manifestly implies that those welcoming him do themselves occupy places in that ministry to which they welcome him. The Committee therefore recommend that the question be answered in the negative. The report was adopted.—1860, p. 242, N. S.; 1890, p. 113. See also under Chap. xv, Sec. xiv, F. G.

10. Ruling elders may not administer sealing ordinances.

The Committee on Bills and Overtures reported as follows:

An overture from the Presbytery of Peoria, on the authority of ruling elders to administer sealing ordinances: The Committee recommend that they be referred to the Standards, Directory for Worship, Chap. viii, Sec. i, and Chap. ix throughout.

The report was adopted.—1870, p. 22.

11. Ruling elders may explain the Scriptures and exhort in the absence of the pastor.

On page 10, Vol. iv of these Minutes, Mississippi Synod takes exceptions to the minute of Louisiana Presbytery; because this Presbytery considers it not inconsistent with the principles of our Church for ruling elders, in the absence of the pastor, to read the Scriptures and explain them, and to endeavor to enforce the truth upon the conscience by suitable exhortations. The Assembly believe the Presbytery of Louisiana were right, according to Chap. xxi, Form of Government.—1856, p. 538, O. S.

12. The proper court to try ruling elders in a given case.

The following question from the Presbytery of Genesee was presented by the Committee of Overtures, viz.:

Common fame accuses two ruling elders of a church (they being the only acting elders) of unchristian conduct, which took place several years ago, but which has lately been made known to the Presbytery with which said church is connected. What is the duty of the Presbytery in the case?

Resolved, That the Presbytery is the competent court to try these two elders, and that it is their duty to cite the offending persons before them, and proceed to issue the case.—1825, pp. 142, 144. [See below under Chaps. ix and xiii.]

13. Ministers are not eligible to the ruling eldership.

[NOTE.—See below under Chap. xiii, Sec. ii, 9, *a*, *b*, *c*, *d*, *e*, *f*, *g*.]

CHAPTER VI.

OF DEACONS.

The Scriptures clearly point out Deacons as distinct officers in the Church, whose business it is to take care of the poor, and to distribute

among them the collections which may be raised for their use. To them also may be properly committed the management of the temporal affairs of the Church.

1. Their functions.—They have no judicial power.

We need only represent unto you the ends and institution of Scripture deacons, and that there is no juridical power allowed them in the Scriptures.—1716, p. 42.

2. The temporalities of the church may be committed to them.

In answer to the inquiry, "What are the nature and duties of the office of deacon?" we reply: The answer we conceive to be explicitly given in our Form of Government, Chap. vi. Their duties there are plainly made to consist in distributing the charities of the church to which they belong to the poor of that church. Over charities collected for any other purpose than those specified, their office gives them no control. In addition to this, the temporalities of the church generally may be committed to their care.—1833, p. 405.

[Note.—See Report of the Special Committee on Church Temporalities, 1896, pp. 183–186. See, also, for powers of deacons as trustees, under Trustees, on p. 122.]

3. The appointment of deacons urged.

Overture from the Presbytery of Pittsburgh, on the subject of deacons. The Committee recommend—in response to the memorial regarding the functions of deacons, and requesting that, in respect to the care of the poor, their business be so defined as not to exclude the poor and the sick *outside the Church*—the adoption of the following resolutions:

Resolved, 1. That the Assembly regards the office of deacon as providing proper Scriptural and feasible means for such exercise of charity, as will aid in extending the influence of the Church among the poor, and opening the way for more direct spiritual ministrations.

Resolved, 2. That the Assembly, rejoicing in all that is accomplished by others, express their most decided approval of all institutions for the care of the poor and sick, conducted by Presbyterians, and regarding with pleasure their increasing number, earnestly advises their multiplication.

Resolved, 3. That the Presbyterian Church has always recognized the office of deacon; and the Assembly renewedly call the attention of the churches to the provisions of the Form of Government in the case. [See F. G., Chap. xiii, Sec. ii.]—1871, pp. 588, 589; also, 1840, p. 286, O.S.; 1841, p. 418, O. S.; 1856, p. 535, O. S.

4. May a person at once be deacon and elder?

a. *Resolved*, That while it is important and desirable that the several offices in the Christian Church should be kept distinct, and be sustained by different individuals wherever a sufficient number of competent men can be found, yet in the opinion of this Assembly it is not inconsistent with the constitution of the Presbyterian Church, nor with the precedent furnished in filling the office of deacon at its first institution, that where a necessity exists, the same individual should sustain both offices.—1840, p. 306, O. S.

b. Overture, being a petition from Rev. Moses D. A. Steen, asking the following question:

When a deacon in any church is elected and installed a ruling elder in the same church, does he cease to exercise the functions of his office as deacon?—*Answer.* Not necessarily. See Moore's *Digest*, 1886, p. 119. —Adopted 1880, p. 56.

5. Deacons may distribute the bread and wine at the communion.

a. Overture, asking, "Is it in accordance with Presbyterian law and usage that deacons distribute to the church members the bread and wine in the sacrament of the Lord's Supper?" The Committee recommend that the Assembly answer "*Yes*," and refer to the *Digest*, 1873, p. 119. —Adopted 1874, p. 84; 1867, p. 497, N. S.

b. Is the action taken by the Assembly of 1874, p. 84, of *Minutes*, Overture No. 25, to be interpreted as directing that the serving of the elements at the Lord's Supper belongs indifferently to the elders and deacons?

Your Committee would respectfully recommend the following reply: The above question is answered on p. 119 of Moore's *Digest*, which says that, "Inasmuch as we have no rule in relation to the subject, the matter is referred to the discretion of the Sessions of the churches." Adopted.—1877, p. 516.

6. To the deacons belongs exclusively the control of funds for the poor.

1. Has the church Session any original or direct control over the management and distribution of the fund collected and in the hands of the deacons for the benefit of the poor of the church?

2. Or does the management of this fund belong exclusively to the deacons?

3. If the Session has any control over this fund, what is the nature and extent of that control?

The Committee recommend that the first inquiry be answered in the negative, the second in the affirmative, and that the third be answered, "They may advise respecting the use of funds." Adopted.—1857, p. 24, O. S.

7. Deacons may not represent the church in church courts.

The record [Synod of Buffalo], p. 156, would lead to the belief that a deacon of the Church was admitted to a seat in Synod, which, if so, is in violation of the principles of our Church government.—1860, p. 34, O. S. [See 1 above.]

[NOTE.—For questions pertaining to the election, ordination and installation of deacons, see Form of Government, Chap. xiii, Secs. ii, viii.]

CHAPTER VII.

OF ORDINANCES IN A PARTICULAR CHURCH.

The ordinances established by Christ, the head, in a particular church, which is regularly constituted with its proper officers, are prayer, singing praises, reading, expounding and preaching the word of God; administering Baptism and the Lord's Supper; public solemn fasting and thanksgiving, catechising, making collections for the poor and other pious purposes; exercising discipline, and blessing the people.

[NOTE.—See under Directory for Worship, Chaps. iii, iv, v, vi, vii, viii, xiv and xv. The subject of collections for pious uses has occupied much of the attention of the Assemblies for many years. In 1854 the Assembly, O. S., issued an address at once comprehensive and exhaustive. See Baird, pp. 174-180. See also under Chap. xii, Sec. v, on Benevolence and Finance.]

CHAPTER VIII.

OF CHURCH GOVERNMENT, AND THE SEVERAL KINDS OF JUDICATORIES.

I. It is absolutely necessary that the government of the church be exercised under some certain and definite form. And we hold it to be expedient, and agreeable to Scripture and the practice of the primitive Christians, that the church be governed by Congregational, Presbyterial, and Synodical Assemblies. In full consistency with this belief, we embrace, in the spirit of charity, those Christians who differ from us, in opinion and practice, on these subjects.

II. These assemblies ought not to possess any civil jurisdiction, nor to inflict any civil penalties. Their power is wholly moral or spiritual, and that only ministerial and declarative. They possess the right of requiring obedience to the laws of Christ; and of excluding the disobedient and disorderly from the privileges of the church. To give efficiency, however, to this necessary and scriptural authority, they possess the powers requisite for obtaining evidence and inflicting censure. They can call before them any offender against the order and government of the church; they can require members of their own society to appear and give testimony in the cause; but the highest punishment to which their authority extends, is to exclude the contumacious and impenitent from the congregation of believers.

1. Union of Church and State disavowed. Relation to the State.

The Committee to whom was recommitted the report on the reference from the Presbyteries of Madison and Lancaster, reported, and their report was adopted, and is as follows, viz.:

That said Presbyteries invite the attention of the General Assembly to certain slanderous reports extensively circulated against the Presbyterian and other denominations, involving the charge of an attempt on the part of these denominations to unite Church and State, and thus subvert the civil institutions of our country, and intimate their desire that this Assembly would take order on the subject, and by some public act disabuse *themselves* and *their* constituents of such unfounded and injurious imputations.

In the opinion of your Committee no public act is necessary on the part of this Assembly to refute a charge wholly unsupported by testimony and facts; nor any exposition of their principles in relation to civil magistracy and the claims of the Church demanded, other than that contained in our acknowledged ecclesiastical Standards, and published to the world. For the better information, however, of any who may be in danger of imposition from unfounded statements, the Assembly would refer to the following exhibition of their principles as contained in the accredited constitution of the Church.

"God, the supreme Lord and King of all the world, hath ordained civil magistrates to be under him, over the people, for his own glory and the public good, and to this end hath armed them with the power of the

sword, for the defence and encouragement of them that are good, and for the punishment of evil-doers.

"It is lawful for Christians to accept and execute the office of magistrate, when called thereunto; in the managing whereof, as they ought especially to maintain piety, justice, and peace, according to the wholesome laws of each commonwealth, so, for that end, they may lawfully, now under the New Testament, wage war upon just and necessary occasions.

"Civil magistrates may not assume to themselves the administration of the Word and Sacraments; or the power of the keys of the kingdom of heaven; or, in the least, interfere in matters of faith. Yet, as nursing fathers, it is the duty of civil magistrates to protect the Church of our common Lord, without giving the preference to any denomination of Christians above the rest, in such a manner, that all ecclesiastical persons whatever shall enjoy the full, free, and unquestioned liberty of discharging every part of their sacred functions, without violence or danger. And, as Jesus Christ hath appointed a regular government and discipline in his church, no law of any commonwealth should interfere with, let, or hinder, the due exercise thereof, among the voluntary members of any denomination of Christians, according to their own profession and belief. It is the duty of civil magistrates to protect the person and good name of all their people, in such an effectual manner as that no person be suffered, either upon pretence of religion or infidelity, to offer any indignity, violence, abuse, or injury, to any other person whatsoever; and to take order, that all religious and ecclesiastical assemblies be held without molestation or disturbance.

"It is the duty of the people to pray for magistrates, to honor their persons, to pay them tribute and other dues, to obey their lawful commands, and to be subject to their authority, for conscience' sake. Infidelity or difference in religion doth not make void the magistrate's just and legal authority, nor free the people from their due obedience to him; from which ecclesiastical persons are are not exempted; much less hath the Pope any power or jurisdiction over them in their dominions, or over any of their people; and least of all, to deprive them of their dominions or lives, if he shall judge them to be heretics, or upon any other pretence whatsoever."*

"Synods and councils are to handle or conclude nothing, but that which is ecclesiastical; and are not to intermeddle with civil affairs which concern the commonwealth, unless by way of humble petition, in cases extraordinary; or by way of advice for satisfaction of conscience, if they be thereunto required by the civil magistrate."†

"That God alone is Lord of the conscience, and hath left it free from the doctrine and commandments of men, which are in anything contrary to his word, or beside it, in matters of faith or worship. Therefore they consider the rights of private judgment in all matters that respect religion, as universal and unalienable. They do not even wish to see any religious constitution aided by the civil power, further than may be necessary for protection and security, and at the same time, be equal and common to all others."‡

Such are the constitutional principles of the Presbyterian Church in these United States. They were our fathers' principles before and

* Confession of Faith, Chap. xxiii.
† *Ibid.*, Chap. xxxi, Sec. 4.
‡ Form of Government, Chap. i, Sec. i.]

during the revolution, which issued in the consummation of our liberty and independence, and under the influence of which they prayed, and fought, and bled, by the side of the father of our country. They have been the principles of their descendants ever since. They are our principles still, adopted from conviction, to whose support we have pledged ourselves under the most solemn sanctions, and by the preservation of which we believe that the common interests of evangelical religion and civil liberty will be most effectually sustained.

In closing this statement the Assembly would affectionately and earnestly exhort the members of their communion that in the fulfillment of their civil and religious duties they watch against all unhallowed feelings, and that they suffer reproach meekly, not rendering railing for railing, nor evil for evil, but by patient continuance in well-doing, they commend themselves to every man's conscience in the sight of God.—1830, pp. 299, 300. [See also *Minutes*, 1873, pp. 502, 503.]

2. Right of any judicatory to bear testimony against erroneous and injurious publications.

Resolved, That in the judgment of this General Assembly it is the right, and may be the duty, of any judicatory of our Church to take up, and if it see cause, to bear testimony against any printed publication which may be circulating within its bounds, and which, in the judgment of that judicatory, may be adapted to inculcate injurious opinions; and this whether the author be living or dead, whether he be in the communion of our Church or not, whether he be a member of the judicatory expressing the opinion or of some other. A judicatory may be solemnly called upon to warn the churches under its care, and especially the rising generation, against an erroneous book while the author may not be within their bounds, or immediately responsible at their bar, and while, even if he were thus responsible and within their reach, they might not think it necessary to arraign him as a heretic. To deny our judicatories, as guardians of the churches, this right would be to deny them one of the most precious and powerful means of bearing testimony against dangerous sentiments, and guarding the children of the Church against "that instruction which causeth to err." The writer of such a book may reside at a distance from the neighborhood in which his work is circulating and supposed to be doing mischief, or he may be so situated that, even if it be proper to commence process against him, it may not be possible to commence, or at any rate, to issue that process within a number of months. In the meanwhile, if the right in question be denied, this book may be scattering poison without the possibility of sending forth an effectual antidote. Indeed, it may be indispensably necessary in cases which may easily be imagined, to send out such a warning, even though the author of the book were fully acquitted from the charge of heresy.—1835, p. 485.

3. Judicial authority cannot be granted to bodies other than those established by the Constitution.

Overture from Rev. John H. Morrison, the Moderator of the Second Council of the Presbyterian Alliance of India, asking the Assembly, in behalf of the Council:

1. To recognize its judicial authority, so far as to authorize it to decide finally cases of appeal in matters of discipline referred to the Alliance

by the parties concerned, in accordance with the rules of their respective churches, in regard only to native churches, office-bearers, and ministers.

2. To grant a part of the Church's outlay in India (the precise portion to be settled by correspondence with the Boards of other Presbyterian bodies concerned in its support) for the maintenance of an efficient theological college at Allahabad, which shall have a staff of at least three ordained professors, under the control of the Presbyterian Alliance of India, for the training of young men for spiritual work.

It is not asked, in behalf of the Alliance, that any legislative powers should be given them, or any judicial authority to deal with cases of heresy, until such times as a common standard of faith and polity has been adopted by all the native Presbyterian bodies of India.

In response to these requests, and in view of the important statements made by the Council that the "twelve Presbyterian churches now represented in India are all Presbyterian in government and Calvinistic in doctrine,"

The Committee recommend:

1. That this Assembly renew the approval, by the Assembly of 1879, of the confederation of the churches and ministers connected with the Synod of India, with other similar bodies holding the same faith and order, not only so far as regards periodical meetings for friendly consultation for the advancement of the Redeemer's kingdom in that land, and the promotion of brotherly coöperation among the Presbyterian bodies in India, but also for the purpose of forming organic relations with each other, so soon as, in the providence of God, the way may seem clear for more united and efficient work in that great field of Christian evangelization.

2. That this Assembly renew, also, the judgment of the Assembly of 1879, that, for purposes of representation only, the ministers, both foreign and native, connected with the Synod of India, retain their connections with their respective Presbyteries, so as to be entitled to vote in the appointment of Commissioners to the General Assembly, and so as to be able to conduct all their ecclesiastical affairs in a constitutional and orderly manner, especially until such times as a common standard of faith and polity shall be adopted by the churches represented in the Presbyterian Alliance of India.

3. Inasmuch as the Synods have now been made judicatories of the last resort in all cases of appeal "not involving the Constitution or doctrine of the Church," the Committee recommend, that the Assembly declare, that the request to confer judicial authority on the Presbyterian Alliance, to decide cases of appeal in matters of discipline not involving cases of heresy, cannot be granted in accordance with the Constitution. Adopted.—1881, pp. 589, 590. (See 1879, p. 620.)

[NOTE.—See under Form of Government, Chap. ix, Sec. i, 1896, p. 147.]

CHAPTER IX.

OF THE CHURCH SESSION.

1. The church session consists of the pastor or pastors, and ruling elders, of a particular congregation.

1. A special Session unconstitutional. An offender must be tried by the constitutional judicatories.

a. The Presbytery of Miami did appoint a special Session composed of elders belonging to different congregations, for the purpose of trying Mr. Lowrey, and the decision of such a special Session was affirmed by the Synod of Ohio; therefore,

Resolved, That the appeal of Mr. Lowrey be sustained, and it hereby is sustained; and that all the proceedings in the case be, and they hereby are reversed, on the ground that the appointment of such a special Session is entirely unconstitutional; and if Mr. Lowrey has done anything offensive, he ought to be tried by the courts that have been instituted by the Constitution of our Church.—1823, p. 92.

b. This Assembly concur in opinion with the last General Assembly, that the special Session appointed by the Presbytery of Miami for the trial of S. Lowrey was an unconstitutional court, and that all the proceedings of that body in this case, and of the Presbytery of Miami and of the Synod of Ohio, sanctioning the acts of that body, are irregular. And the allegation of the Synod in their memorial that this body, though called a Session, was, in reality, no more than a Committee of Presbytery, is incorrect, for they are not only denominated a Session, but they performed the acts which belong peculiarly to a church Session; they sat in judgment upon a member of the church and an elder, and condemned and suspended him; but no Presbytery has authority, according to the Constitution of our Church, to delegate to a Committee a power to perform such acts as those.—1824, p. 115.

c. The Committee appointed to examine the records of the Synod of Ohio reported. The report was adopted, and is as follows, viz.:

That the minutes be approved to page 191, with the exception of the minutes on page 169, where a select Session was appointed by the Presbytery of Miami, which, in the judgment of the Assembly, was unconstitutional, and of which the Synod has taken no notice.—1824, p. 117.

[NOTE.—For a special case where a Session could not act because of the relations of the only elder to the accused, see above, Chap. v, 11.]

d. Overture from the Presbytery of Kaskaskia, asking the General Assembly to make provision for the calling of special sessions of ruling elders from neighboring churches to obviate delays in cases of discipline for want of quorums of church Sessions.

The Assembly can afford no relief of the nature proposed to the difficulties contemplated.—1860, p. 28, O. S.

[NOTE.—See 1 above.]

2. A Session may consist of foreign missionaries.

As to the matter of reception and discipline of members, answer is made that the Session of each church is vested, under the Form of Government, with full power in regard thereto. In the absence of ordained elders a Session may consist of the missionaries in charge of the work on a foreign field.—1896, p. 147.

3. An elder may not adjudicate in any church in which he is not an elder.

Overture No. 14, viz., the following question from the Presbytery of Salem, "Has a ruling elder in any case a legal right to adjudicate in

another church than that of which he is an elder ?'' was taken up and decided in the negative.—1831, p. 324.

4. A minister may not sit as a corresponding member of Session nor be assigned as counsel for the accused.

May a Session of a church invite a minister of the Gospel belonging to the same Presbytery or Synod to which the church belongs to sit as a corresponding member of said Session ? and when so invited, may such minister, at the request of an accused brother, be assigned as counsel for the accused ?

The Committee recommended that both questions be answered in the negative, and the report was adopted.—1851, p. 20, N. S.

[Note.—See the definition of the Church Session, Chap. ix, Sec. i.]

5. Elders must be ordained. Neglect of ordination invalidates decisions.

The Committee on Church Polity reported two questions with the recommendation that they be answered in the negative:

a. 1. Is an elder-elect a member of the Session, and competent to sit in a judicial case before he has been ordained according to the Form of Government ?

b. 2. Would a decision in a case of discipline, made by a Session whose members have never been ordained according to the Form of Government, Chap. xiii, be a valid and lawful decision, and binding upon the accused.

The report was adopted.—1868, p. 58, N. S.

[Note.—See under Form of Government, Chap. xiii, Secs. iii, iv.]

II. Of this judicatory, two elders, if there be as many in the congregation, with the pastor, shall be necessary to constitute a quorum.

[Note.—See 3. below.]

1. A minister with one elder, if there be but one, may constitute a quorum.

a. The inquiry, which is in these words, "Can a minister with one elder form a Session capable of transacting judicial business ?'' is sufficiently answered in the Constitution, Form of Government, Chap. ix, Sec. ii, where it seems to be implied that cases may occur with infant or feeble churches, in which it would be impracticable for a time to have more than one elder, and yet be necessary to perform acts of a judicial character.

For such the Constitution provides; but if there be more than one elder, then two at least, with a minister, are necessary to form a Session. —1836, p. 521; 1892, p. 188.

b. A request from the Presbytery of Muncie, that the Assembly take the necessary steps for procuring such an alteration in the Form of Government, as will enable a minister and one elder to perform Sessional acts, when the other elder shall, in the judgment of the Presbytery, be from any cause incompetent to act in the case.

The Committee recommended to the Assembly to adopt the following minute: *Resolved*, That no alteration of our constitutional rules is needful to secure the ends of discipline, in the premises. The report was adopted.—1852, p. 210, O. S.

2. A single elder may constitute the Session.

To advise that, if Mr. Armstrong, as alleged, refuses to act as a ruling elder, and has left the church, Mr. Chandler constitutes the Session of the First Church of Wilmington, and is entitled to act as such.—1869, p. 911, O. S.

3. Where elders are non-resident, the remaining members authorized to act.

Overture from the Presbytery of Wellsborough, asking, "What is and will be the legal quorum of the Mt. Jewett Session, where of the three elders two are non-resident and their residences unknown, and there is no prospect of securing additional elders in the future?"

The Committee recommend that the pastor and the one elder actually "in the congregation" be recognized under existing circumstances, and so long as the present condition of affairs may continue, as the legal quorum of the Session. See *Minutes* of the General Assembly, 1836, p. 521. Adopted.—1892, p. 188.

4. Less than a quorum incapable of any organic act.

The law of a quorum is not a mere rule of procedure, a provision of order, but a matter respecting the very being of the judicatory. Any number of members less than a constitutional quorum do not make a judicatory, and are not competent to any organic act.—1861, p. 456, N. S.

[NOTE.—See also under Form of Government, Chap. x, Sec. vii, 3, *a*, defining the Law of a Quorum.]

5. Official acts of Session can be performed only when it is regularly convened. Prayer in opening and closing recommended.

The Committee on the Polity of the Church reported:

Overture from the Stated Clerk, representing the Presbytery of Boulder, inquiring:

1. Wherein consists the distinction between an "informal" meeting of a Session and a "regular" meeting?

2. Ought the acts of informal meetings to be entered on the records before they have been ratified in a regular meeting?

3. Is it regular to receive members to the church, especially on a profession of their faith, or to appoint delegates to the Presbytery or the Synod, at such informal meetings of Session?

4. Ought not the validity of an elder's seat in the superior judicatories to be determined by the record of his due appointment at a regular meeting of the Session; and in the absence of such a record might not an elder, in a test case involving important issues, be denied his seat constitutionally?

5. Ought a Session to send up its records for review without first reviewing them itself, and formally ratifying any informal acts at a regular meeting? In particular, is it proper that the last entry should be a memorandum acted upon at an informal meeting, which can be approved only after the Presbytery has adjourned?

The Committee recommends the following answer:

a. The acts referred to in this overture are properly official acts, which the judicatory is competent to perform only when regularly con-

vened, and making due record of its proceedings. (See Form of Government, Chap. ix, Secs. i, ii, iii, iv, v, vii, viii.)

b. While the act of opening and closing the meetings of a Session with prayer is not enjoined by the Constitution, this Assembly, in accordance with the views expressed by the Assembly of 1877, judges it to be in harmony with the spirit of the Constitution and the prevailing usage of the Church to observe this solemnity at all meetings of record, except that the opening prayer may properly be omitted after a divine service. Adopted.—1884, p. 113.

6. The Session has discretion as to the circumstances under which a meeting should be opened and closed with prayer.

The Judicial Commission appointed to hear and issue "The complaint of the Revs. R. Conover and C. H. Little and Elder W. B. Rundell, against the action of the Synod of Illinois, for refusing to sustain the complaint of Rev. R. Conover against the action of the Presbytery of Bloomington in placing upon the records of various church Sessions at their stated meeting, April 15, 1891, exceptions to the records, because 'they did not always open and close their meetings with prayer,'" reports its finding in the case as follows:

Finding.—The Constitution of the Church requires that every judicatory above the church Session shall be opened and closed with prayer.

The General Assembly has declared that, "While the act of opening and closing the meetings of a Session with prayer is not enjoined by the Constitution, it judges it to be in harmony with the spirit of the Constitution, and the prevailing usage of the Church, to observe this solemnity at all meetings of record, except that the opening prayer may properly be omitted after a divine service" (1877, p. 575).

It is obvious, therefore, that the Session has discretion as to the circumstances under which any given meeting may be opened and closed with prayer.

This Commission, therefore, find that the complaint is sustained by the Constitution of the Church, and the judgment of the Synod is hereby reversed.

The effect of this is to remove the exception placed on the Session records, which exception is of the nature of a judicial censure.

The report was received, and its judgment ordered to be recorded.—1892, pp. 212, 213.

III. The pastor of the congregation shall always be the moderator of the Session; except when, for prudential reasons, it may appear advisable that some other minister should be invited to preside; in which case, the pastor may, with the concurrence of the Session, invite such other minister as they may see meet, belonging to the same Presbytery, to preside in that case. The same expedient may be adopted in case of the sickness or absence of the pastor.

1. A pastor-elect not moderator or stated supply by virtue of the call in progress.

Overture from the Presbytery of Erie, presenting two questions: (1) When a minister has accepted a call to a congregation, said call having

been placed in his hands by the Presbytery, is he *ex-officio* moderator of the Session of that congregation previous to his installation ?

The Committee recommend this answer: A pastor-elect is not moderator *ex-officio*, as he yet has no official connection with that church. But he may become moderator, if a member of the Presbytery under whose care the church is, by invitation of the Session or by appointment of Presbytery.

(2) " Is such a pastor-elect stated supply previous to his installation ? Or is it in the power of the Presbytery to appoint other supplies ?" We recommend this answer: He is not stated supply by any virtue of the call in progress; and the Presbytery may appoint supplies or give the Session permission to supply the pulpit. Adopted.—1880, p. 45.

[NOTE.—See under Chap. iv, above, p. 147.]

2. Who may moderate a Session in the absence of a pastor?

[NOTE.—In a case substantially described in the answer given below the Presbytery of the District of Columbia overtured the Assembly for answer to the above question.]

The Committee recommended the following response, which was adopted:

The question proposed is limited to specified circumstances—namely, " In the absence of the pastor," and " the great inconvenience of procuring a moderator," " having no ordained minister of the same Presbytery residing within forty miles."

The Form of Government, Chap. ix, Sec. iii, provides that, in " case of the sickness or absence of the pastor," another minister " belonging to the same Presbytery " may be invited " to preside." There is no provision for inviting any minister not " belonging to the same Presbytery," to preside over a meeting of the Session, much less any minister of the Word.

Section iv declares it to be " expedient at every meeting of the Session, *more especially when constituted for judicial business*, that there be a presiding minister;" but, after providing for a moderator, " where a church is without a pastor," and, of course, in the case stated, Sec. iii, it adds, " But where it is impracticable, without great inconvenience, to procure the attendance of such a moderator, the Session may proceed without it."

The Committee would, therefore, recommend that the answer to the overture be: That in cases similar to that stated, the Session, under its responsibility to the Presbytery, is the judge of the impracticability of procuring a moderator."—1869, p. 272, N. S. Confirmed 1891, p. 107.

3. When another minister acts as moderator the pastor is a member of the Session and may be appointed a prosecutor.

Overture from the Synod of Missouri, asking: Is a pastor a member of a Session when by the action of Session another minister acts as moderator, and is he such a member of the Session that he may be appointed by the Session as prosecutor in a trial of a member ? *Answer:* Yes.—1890, p. 47.

IV. It is expedient, at every meeting of the session, more especially when constituted for judicial business, that there be a presiding minister. When, therefore, a church is without a pastor, the moderator of

the session shall be either the minister appointed for that purpose by the Presbytery, or one invited by the session to preside on a particular occasion. But where it is impracticable, without great inconvenience, to procure the attendance of such a moderator, the session may proceed without it.

1. Where a minister is the accuser, a minister should preside.

After stating the cause and reading the judgment of the Session, and the appeal, both parties were fully heard; and the Synod finding, that as the Session had not a minister of the Word to preside through the course of the trial, and that a minister was the accuser of the appellant, it was judged it was at least inexpedient to proceed to trial; and upon the whole we think it best, and do remit the matter back to the Presbytery to be heard and judged of by them *de novo*.—1773, p. 447.

2. Moderator usually to be of the same Presbytery. Session cannot invite minister of another Presbytery.

a. From the Presbytery of Tombeckbee, the question: Is it orderly that a member of one Presbytery moderate a church Session of another Presbytery ?—which question the Assembly answered in the affirmative. —1843, p. 198, O. S.

b. 1. Is it orderly for a Session under the care of one Presbytery, to request a minister of another Presbytery to moderate them, without first obtaining leave from their Presbytery ?

2. Is it constitutional for a minister to moderate a Session under the care of a different Presbytery from his own, without first asking and obtaining leave of the Presbytery having jurisdiction over said Session ?

Resolved, That the last Assembly, in deciding that a Session may invite a minister who is a member of another Presbytery to sit as their moderator, did not include any of those cases in which it is required either in express terms, or by plain implication [Form of Government, Chap. ix, Secs. iii and iv], that the moderator shall be of the same Presbytery as the congregation; but are of opinion that in cases of a different kind, for which no provision is made, a member of another Presbytery may be invited to act as moderator, if it be found to be expedient.—1844, p. 359, O. S.

c. Overture from the Presbytery of Winnebago, asking: "Is it lawful for the Session of a church that is without a pastor, to invite a minister of another Presbytery to moderate its meetings?" *Answer:* No. (See *Digest*, 1886, p. 126, *a*, *b*, *c*.) Adopted.—1891, p. 107.

V. In congregations where there are two or more pastors, they shall, when present, alternately preside in the session.

VI. The Church session is charged with maintaining the spiritual government of the congregation; for which purpose they have power to inquire into the knowledge and Christian conduct of the members of the church, to call before them offenders and witnesses, being members of their own congregation, and to introduce other witnesses where it may be necessary to bring the process to issue, and when they can be procured to attend; to receive members into the church; to admonish, to rebuke, to suspend or exclude from the sacraments those who are found to deserve

censure; to concert the best measures for promoting the spiritual interests of the congregation, and to appoint delegates to the higher judicatories of the Church.

1. The Session has original jurisdiction over church members.

a. It [the Assembly] has no power to *commence* a process of discipline with an individual offender. That, by a just and wise arrangement, belongs to the Session in the case of a layman, to the Presbytery in the case of a minister.—1856, p. 200, N. S.

b. *Resolved*, That the church of Genoa be referred to the minute of the Assembly formed in the case of David Price in the year 1825, from which it will appear that in the judgment of the Assembly, "an admonition" was "deserved" by the said Price in consequence of his unchristian conduct. And it is the judgment of this Assembly that the Session ought immediately to have administered such admonition; that they ought still to administer it; and that if the said Price refuse to submit to such admonition, or do not thereupon manifest repentance and Christian temper to the satisfaction of the church, he ought not to be received into the communion of that or any other Presbyterian church.—1827, p. 203.

c. The Synod [of Genesee] seems to have forgotten the nature and limits of its appellate as distinguished from the original jurisdiction in the case, in that they censure at their bar the appellant in a way competent in any circumstances only to the Session of the church to which the appellant was primarily amenable.—1840, p. 11, N. S.

d. No vote of the congregation of a Presbyterian church can affect the rights of a communing member as such. All such power is vested in the Session.—1866, p. 54, O. S.

2. The Session has oversight of the conduct of church members.

Resolved, That this Assembly warns the churches under its care against the spirit of worldly conformity now prevailing, and reminds the church Sessions that all known departures from the Word of God in all the pleasures and duties of private, social and civil life of their members are under their supervision.—1874, p. 85.

[Note.—See Discipline, Chap. iv, Sec. xviii, last clause.]

3. The Session has oversight of Young People's Societies.

The General Assembly heartily commends to the loving sympathy and oversight of the pastors, Sessions and Presbyteries of our Church, these various Young People's Associations, and recommends especially that each Presbytery shall appoint a Permanent Committee to coöperate and counsel with them in such ways as the circumstances in each case may indicate as being wise and necessary for the highest interests of all departments of the Church's work and worship.—1891, p. 113; 1893, p. 127.

4. Statement of relation between the individual society and the Church.

This Assembly recognizes as under the jurisdiction of the Church, all Young People's religious organizations of every name, which are to be found within its churches or composed of the members of its churches. The variety in the forms of these organizations cannot affect the substantial relation which they all alike sustain to the Church in her organized

capacity. That relation is, in one sense at least, the relation of a child to its mother, and involves thereby mutual obligations. The Church in her courts owes it to her young people to take account of their aspirations and activities, and to provide proper media for the exercise of these; and the young people, on their part, as members of the Church, have a duty of recognizing fully her spiritual authority, implying, as this does, her right to advise with them, and to direct their movements. It is this authority which unites together all Presbyterian churches into one common body, and it must reach to all of its organizations. Such being the case, the Assembly deems it unnecessary to prescribe any specific form of organization for individual Young People's Societies, while it expects them to conform to certain acknowledged principles, both general and particular, as follows:

In *general*, these societies are to be organized and to work in conformity with the historic position of the Church as expressed in her Standards and interpreted by her courts. This historic position of the Church needs to be emphasized to-day with reference to

a. The reverence due to the Word of God as the infallible rule of faith and practice. The Church cannot countenance as teachers of her young people any men in whom she could not repose confidence as teachers of her older people.

b. The honor due to the Holy Spirit in the development of the Christian life, and the emphasis to be placed, under His divine tuition, on the spiritual rather than the formal.

c. The primary authority and inclusive scope of the vows assumed by our members, when they unite with the Church.

d. The chief means for growth in grace and in the knowledge of Christ for our young people, as for our older people, are the divinely appointed ordinances of the sanctuary, including prayer, praise and the reading and preaching of the Word and the administration of the sacraments, under the direction of the ordained ministry.

e. The separation of the Church in its organic capacities from all political creeds and all methods of political action. Our Young People's Societies may not be utilized for the advancement of any political project, however apparently laudable. The Church inculcates upon her members the loyal discharge of their responsibilities as citizens, but, in political matters, leaves it to the individual conscience to determine as to political parties and candidates and platforms.

The *particular* relations of all our Young People's Societies to the Church are sustained, in the first instance, to the Session of a particular church, and thence, through the Session, to the Church at large. Each such society is under the immediate direction, control and oversight of the Session of that church in which it is formed, and that oversight is not merely general, but applies to

a. The constitution of the Society, which the Session must be careful to see is framed in accordance with the general principles named hereinbefore, and the received usages of the Presbyterian Church.

b. The schedule of its services, including the time of meeting, the course of topics, and the general leadership, in order that such services may form an integral part of the work and worship of the Church.

c. The election of its officers to this extent, that each society shall submit for the approval of the Session, the list of those whom it has chosen, lest unsuitable persons should be placed in positions of influence.

d. The distribution of its funds, that the regular benevolent work of the Church, under the care of our Boards, be not allowed to suffer through indiscriminate contributions to miscellaneous objects, which appeal to individual sympathy.—1896, p. 62.

5. Jurisdiction over a suspended member is in the church which suspended him.

Overture from certain members of the Presbytery of Madison.

We desire to make the following statement and inquiries:

A person is, we will suppose, under suspension in one of our own churches. He removes, and unites, on examination, with another of our churches, the Session of the latter one being wholly ignorant of his former membership, and, of course, of his suspension. The facts are, however, afterward discovered.

Would this discovery of itself vitiate his second membership, and leave him simply a suspended member of the former church?

Would unworthiness for church membership, clearly manifested while in the latter church, and before said discovery, rightfully add any efficacy toward producing this result?

To the first of the above questions the Committee recommend an answer in the affirmative; to the second, if the question mean whether the Session of the second church has jurisdiction in the case of unworthinesses manifested in the second relation, the Committee recommend an answer in the negative; but if the question mean whether the unworthinesses manifested in the second relation be proper ground of separate process by the Session of the first church, the Committee recommend an answer in the affirmative. In respect to the whole case the Committee agree in the statement following:

The person, uniting with the second church on examination, unites deceptively. So soon as the facts in the case are ascertained by the Session of this second church, the proper order of procedure is for this Session, after conference with the accused person, to strike his name from their roll of church members as not under their jurisdiction, to communicate their action to the Session suspending him, with the reasons for it, and to request the said Session to proceed against him on separate process for duplicity and disorder.

The reply of the Committee was adopted.—1866, p. 269, N. S.

[NOTE.—See under Book of Discipline, Chap. vii, Sec. xlix.]

6. The vote of the Session is the reception to membership. It must involve baptism. The use and authority of local confessions and covenants.

The Committee on Bills and Overtures reported on Overture No. 9, making inquiry concerning the relation of persons received, by act of Session, during the interval of such reception and the subsequent sacramental Sabbath. The report was adopted, and is as follows:

In answer to the several questions contained in the above overture, the Assembly refers to the Form of Government, Chap. ix, Sec. vi, in which the *reception of "members into the church,"* is expressly specified as one of the duties and powers of the church Session. For this purpose the Session is the church, and its act of admission the act of the church. When, therefore, an applicant for admission by letter is received by a vote of the Session, he is at once a member of the church, entitled to all the privileges, and subject to all the responsibilities, of this relation.

The same rule equally applies to candidates for admission into the church on a profession of their faith. The vote of the Session is the essential and final act by which they are thus received, and needs no subsequent action of the church to give it reality or validity. The administration of baptism according to the Word of God, in the case of unbaptized persons, must, of course, be involved in, and attendant upon, this Sessional act, either at the time, which would be entirely proper, or at a subsequent period appointed for this purpose. The Session, if thus choosing, may prescribe a public profession of faith before the whole church as a convenient usage, and for this purpose may employ a church confession and covenant. This is the practice with many Sessions, and, where this practice is adopted, it is proper that the officiating minister or clerk of the Session should report a statement of the fact in accordance therewith, and that the report should be formally entered upon the record of the Session.

It is well, however, to remember that the confessions of faith and covenants in use among local churches, though regarded by many as convenient and useful, and certainly sanctioned by a very prevalent usage, are nevertheless not essential to the organization of a church, or the establishment of membership therein, since they are not the authoritative standard of faith or practice in the Presbyterian Church. Such confessions and covenants, with the accompanying form of a public profession, may or may not be used, as shall seem most expedient to the Session. Whether used or not, the vote of the Session is, by the constitution of the Presbyterian Church, the act on which the membership depends, and, in all cases, the records of the Session should be made to correspond with this fundamental principle of the polity of the Church.

These principles cover all the points submitted in the above overture. Their application is simple, and hence the Assembly sees no occasion for giving a more detailed and specific answer to the several questions presented for its consideration.—1865, pp. 22, 23, N. S.

7. An unbaptized person applying for admission to the church must be baptized.

The Committee on the Polity of the Church reported an overture, asking, "Whether a vote of a Session entitles a person to the privileges of the church, who is not baptized and has not made a public profession of faith." They recommended the following answer:

The vote of the Session does not entitle an *unbaptized* person to the privileges of the church, for the reason that baptism, as our Confession of Faith declares (Chap. xxviii, Sec. i), is declared to be a sacrament for the solemn admission of the party baptized into the visible Church.

The public profession of one's faith may for sufficient reasons, as our Directory for Worship allows, be omitted; but the exceptional case does not respect baptism, which precedes the admission of the party to the Lord's table. The vote of the Session to this effect must be conditioned upon the baptism, and can in no case be a substitute for the sacrament itself.

The report was adopted.—1867, p. 496, N. S.

[Note.—See Directory for Worship, Chap. x, Sec. iv.]

8. Certificate of dismission required.

Nor can the Assembly forbear to regret that the Session of the church of Chillicothe had not acted in a more formal manner in receiv-

ing Mr. McCalla, and had not required a regular certificate of dismission from the church to which Mr. McCalla belonged before they received him.—1821, p. 21.

[NOTE.—See Book of Discipline, Chap. xii, Sec. cxiv.]

9. Examination of candidates ought ordinarily to be in the presence of the Session.

[NOTE.—See Directory for Worship, Chap. x, Sec. iii, and Minutes, 1885, p. 638.]

10. Members should be received to the church only by a Session regularly constituted.

The Committee to whom was referred the subject involved in so much of the records of the Synod of Cincinnati as relates to the admission of persons to church privileges at the great meetings common in that region, made the following report, which was adopted, viz.:

a. 1. *Resolved*, That the order of the churches requires that all persons making a public profession of religion be introduced to the communion of the church only by an individual Session regularly constituted.

b. 2. *Resolved*, That it is the right and duty of Sessions to take the exclusive oversight of their respective congregations, and the practice of one Session admitting to a Christian profession persons belonging or intending to belong to a congregation under the care of another Session, is irregular.—1832, p. 373.

11. Session can receive persons only into the organized church of which it is the governing body.

Overture from the Presbytery of St. Louis, with reference to the reception of members into mission organizations or chapels. Recommendation: The Assembly answers that Sessions cannot receive persons on profession of their faith in Christ, or by letter, into any body except into the organized church of which any given Session is the governing body. Adopted.—1893, p. 86.

12. Duty of the Session in the case of those who have joined another church and are in other respects irregular.

A paper from the Presbytery of Detroit, asking: "What course shall a Session pursue in regard to a member who has left the church, and become a member of another church, without having asked for or obtained a letter of dismission?" The Presbytery puts four cases: (1) "Those who have preceded or accompanied their departure to another church by absenting themselves from the ordinances of the church to which they owe allegiance." (2) "Those who have been guilty of such errors in doctrine as amount to heresy; or such errors in practice as amount to practical immorality or apostasy." (3) "Those who, by change of conviction, without any such flagrant departure from doctrine or morality, have been induced to unite with a church which does not hold correspondence with our church." (4) "Those who have entered an organization or endorsed a creed outside of what we recognize as evangelical."

The Committee would reply that almost every phase of neglect of church duty, or departure from church connection, has been acted upon by the Assembly before the separation, or by the separate branches during the separation, or by the reunited Assembly. The Committee

would, therefore, recommend that these petitioners be referred to these past actions: (1) To the action of the Assembly of 1825, paragraph iii, Secs. 3 and 4, pp. 625 and 626, Moore's *Digest*, 1873; 1886, p. 756. (2) Action of the Assembly of 1872, paragraph i, Secs. 3 and 4, Moore's *Digest*, 1873, p. 628; 1886, p. 756. (3) Action of N. S. Assembly, 1868, last two sections on p. 130, of Moore's *Digest*, 1886. (4) Action of the N. S. Assembly of 1839, p. 24, Sec. c, on p. 169, Moore's *Digest*, 1886. Adopted.—1880, p. 45; also 1879, p. 613; 1828, p. 240.

[NOTE.—See Book of Discipline, Chap. vii, on "Cases without process," Sec. liii.]

13. Sessions may not receive members of other churches without regular dismission.

The same Committee reported an overture, asking if it be in accordance with ecclesiastical law and order in the Church, to receive members of another church who have not been regularly dismissed, with a view to such a change of relation.

The Committee recommended that, so far as churches in our own connection are concerned, the question be answered in the negative, and refer to the Book of Discipline (old), Chap. xi, Sec. 1; (new) Sec. cxiv.

The report was adopted.—1868, p. 58, N. S.

[NOTE.—See Book of Discipline, Chap. xii, Sec. cxiv.]

14. Duty of the Session in case of those who doubt their personal piety.

[NOTE.—See Book of Discipline, Chap. vii, Secs. xlviii and l, "Cases without process," and Larger Catechism, Question 172.]

15. The examination of candidates for admission to sealing ordinances should, except in special cases, be in the presence of the Session.

Your Committee recommend the following action: Inasmuch as the members of the Session are the judges of the qualifications of those to be admitted to sealing ordinances, and the reception of such is their act, the examination of candidates ought manifestly to be in their presence, unless in special cases of sickness or other hindrance, when this duty may be performed by a Committee under direction of the Session. (See Moore's *Digest*, 1886, p. 130.) Adopted.—1885, p. 638.

[NOTE.—See Directory for Worship, Chap. ix, Sec. iii.]

16. The Session has no power to prohibit collections ordered by the Assembly.

a. *Ordered*, That every minister, according to our former agreement, propose the collection for the fund to his congregation, and as it is a Synodical appointment, it is inconsistent with our Church government to be under the check or prohibition of a church Session: they indeed may give or withhold their charity, but may not prevent a minister to propose it publicly, according to our appointment. *Ordered*, likewise, That every Presbytery take care of the conduct of their members, how they observe this agreement previous to their coming to the Synod, and that they gather the collection from absent members.—1755, p. 215.

b. Whereas, it appears that some of the congregations under the care of this Assembly, though duly informed of the injunction made at our last sessions respecting the raising of contributions for the support of missionaries to the frontiers of the country, have not complied with the

same, the Assembly, therefore, thought proper to continue the above-mentioned order, and do hereby enjoin it on all the Presbyteries to give particular attention that every congregation raise the specified contribution, and that all the contributions be sent forward as soon as possible to the treasurer of the General Assembly.—1790, p. 24.

17. Representation in the superior courts required.

a. Mr. McNish's reasons for not bringing an elder or representative with him were heard and sustained.

Mr. Henry's representative of the congregation being absent, and his reasons for not coming being inquired into, he said the present condition of his people made it necessary that there should be a particular collection made by the congregation for defraying the charges of the representative to the Presbytery, and it was allowed that there should.

The reasons of Mr. Pumry's elder's absence were inquired into and sustained.—1716, p. 43.

b. The Synod do recommend it to the several Presbyteries belonging to their body to call those Sessions to account that do not send elders to attend upon the Synod and Presbyteries, and to enjoin these Sessions to call those elders to account that do not attend upon judicatories, when sent by them.—1753, p. 256.

18. Attendance on the superior courts enforced.

Expenses of elders should be paid.

a. Upon calling over the roll it being found that many of the elders have gone home without leaving any reasons for their so doing, the Synod do order that such elders as do withdraw from the Synod without leave, shall be left to the censure of their Sessions, and report made thereof to the next Synod. And the Synod do recommend it to the several congregations to defray the necessary charges that their elders be at, during their attendance upon the Synod.—1735, p. 117.

Ruling elders should be called on for reasons of absence.

b. The records of the Synod of Pittsburgh were approved, with the exception, "that ruling elders were not called upon for reasons for absence, as in the case of teaching elders.—1859, p. 531, O. S.

19. The same elder must represent his church at an adjourned meeting who represented it at the stated meeting.

Exception to the records of the Synod of Columbus, "That on p. 73, this minute is made: Your Committee would recommend that Overture No. 2, 'Can a Session be represented by a different elder at adjourned meetings of Presbytery, be answered in the affirmative. Adopted.' This action of the Synod is in direct variance with a deliverance of the Assembly of 1827."—1872, p. 68.

The deliverance referred to is as follows, viz.:

Resolved, That in the judgment of this General Assembly, the construction of the Constitution (Form of Government, Chap. xxii, Sec. i), which allows Commissioners, after holding their seats for a time, to resign them to their alternates, or which allows alternates to sit for a while and then resign their places to their principals, is erroneous; that the practice growing out of this construction is inexpedient; and that it ought to be discontinued. [Adopted.]—*Minutes*, 1827, p. 209, 210.

20. In appointing delegates to the higher judicatories the Session should designate the service to be performed.

Overture.—A request from the Presbytery of Newton that the Assembly answer the following questions:

1. Is a ruling elder, appointed to represent a Session in the Synod, by virtue of that appointment also its representative at any adjourned meeting of his Presbytery which may be held during the intervals of the sessions of the Synod?

2. May a Session, which has appointed a ruling elder its delegate to a stated meeting of the Presbytery, appoint an elder whom it delegates to the Synod to represent it, also, at any adjourned meeting of the same stated meeting of the Presbytery which may be held during the intervals of the Session of the Synod?

The Committee recommend the following answer:

That no rule is laid down in our Standards as to the particular term or time of service of delegates appointed by church Sessions to the higher judicatories of the Church; and the Committee therefore recommend that it be left to each Session to prescribe the particular terms for which, or times at which, its delegates shall attend as its representatives in such judicatories. Under this view, the first branch of the overture is answered in the negative; but the questions involved in both branches are subject in each individual case to the control of each Session.—1878, p. 69.

21. Communion wine: the purest attainable to be used.

[Note.—See under Directory for Worship, Chap. ix, Sec. v, p. 853.]

22. Baptism of Roman Catholic converts discretionary.

[Note.—See Directory for Worship, Chap. vii.]

23. Discretion of the Session as to women's part in meetings for prayer.

a. [In 1872 the Assembly was asked to transmit to the Presbyteries such rules as would forbid the licensing and ordaining of women to the Gospel ministry, and the teaching and preaching of women in our pulpits or in the public and promiscuous meetings of the Church of Christ.

The Assembly reply that there is no necessity for a change of the Constitution, and refer to the deliverance of 1832 as expressing its judgment. —1872, p. 89.

The deliverance referred to is as follows, viz.:]

Meetings of pious women by themselves for conversation and prayer, whenever they can conveniently be held, we entirely approve. But let not the inspired prohibitions of the great apostle of the Gentiles, as found in his Epistles to the Corinthians and to Timothy, be violated. To teach and exhort or to lead in prayer, in public and promiscuous assemblies, is clearly forbidden to women in the holy oracles.—*Pastoral Letter.*—1832, p. 378; *Digest*, 1886, p. 304.

[In reference to this we have the following:]

b. From the Presbytery of Rock River: "Does the Assembly mean to enjoin, that in the regular weekly prayer meetings of the church no woman shall speak or lead in prayer?"

[Referred to a Special Committee, whose report was adopted, viz.:]

In response to the overture the Assembly expresses no opinion as to the Scriptural view of woman's right to speak and pray in the social prayer

meeting, but commits the whole subject to the discretion of the pastors and elders of the churches.—1874, pp. 32 and 66.

c. Overture from the Presbytery of Zanesville, on the part women may take in public and promiscuous assemblies.

The Committee recommend the following answer:

1. The Assembly regards all prohibitions contained in God's Word as equally binding on the Church to-day as at any period of its history, but does not regard the passages cited as forbidding the participation of women in certain of the assemblies for worship in the Church.

2. The extent of this participation, in our judgment, should be left to the wise discretion of the pastor and elders in each particular church. Adopted.—1893, p. 114.

24. Church music is under the control of the minister and the Session.

Overture asking the Assembly to reaffirm the action of the Assemblies of 1845 and 1858, on the relations of the church Session to the music as a part of the worship of God.

The Committee recommends the following answer:

This General Assembly hereby reaffirms the action taken by the Assemblies of 1845, p. 21, O. S., and 1858, p. 281, O. S., as follows:

Whereas, By our Constitution (Form of Government, Chap. ix, Sec. vi, and Directory for Worship, Chap. iv, Sec. iv) the whole internal arrangement of a church as to worship and order is committed to the minister and Session; therefore,

Resolved, That this Assembly do not feel themselves called upon and obliged to take any further order on this subject, but leave to each Session the delicate and important matter of arranging and conducting the music as to them shall seem most for edification, recommending great caution, prudence and forbearance in regard to it. Adopted.—1884, p. 115.

[NOTE.—See Directory for Worship, Chap. iv, Sec. iv.]

25. Functions and duties of trustees in their relation to Sessions.

Overture from the Bloomington Presbytery, with reference to the functions and duties of trustees in their relation to Sessions. The Committee recommends that this overture be answered by reiterating the deliverance of the Assembly of 1874, that "the Constitution of our Church charges the Sessions with the supervision of the spiritual interests of the congregation and all services and matters pertaining thereto, and that any action by the Board of Trustees tending to annul or contravene in any way such supervision and control is illegal and void." Adopted.—1891, p. 187. See pp. 123 and 125, above.

26. The Session has exclusive authority over the worship of the Church.

Resolved, That meanwhile, this Assembly adopt the following deliverance for the immediate guidance of all our congregations, Sessions, deacons, trustees, and inferior judicatories:

The General Assembly takes notice that the exclusive authority of the Session over the worship of the Church, including not only the times and places of preaching the Word, but also the music and the use of the church buildings, is not sufficiently appreciated by the Church at large, and that there are frequent complaints that trustees of congregations assume powers and authority, especially over music and the use of church

buildings, which are not warranted by, but in conflict with, the Constitution of the Church.

The Assembly enjoins upon the churches loyal adherence to our Form of Government, providing that the authority of the Session over all matters of worship is paramount, and at the same time recommends that all such questions be treated by the Session with Christian tact and courtesy, in the spirit of love and forbearance.—1893, p. 90.

VII. The pastor has power to convene the session when he may judge it requisite; and he shall always convene them when requested to do so by any two of the elders. The session shall also convene when directed so to do by the Presbytery.

VIII. Every session shall keep a fair record of its proceedings, which record shall be at least once in every year submitted to the inspection of the Presbytery.

1. The records should be full.

It appearing from the official certificates of the Stated Clerks of all the courts below, that important documents in evidence before the Session which first tried the case of Beck and McMahon were not sent up to the Presbytery and Synod, it is therefore ordered that this case be sent back to the Presbytery of Charleston for a new trial, and that the Session of the church of Columbia be directed to correct their record, and to send to the Presbytery an authentic copy of all the evidence and all the documents before them.—1843, p. 186, O. S.

[Note.—See Index, "What the Records Must Show."]

2. Testimony in judicial cases should be engrossed upon the records.

Also overture from the Presbytery of Catskill, asking whether, in cases of judicial process by church Sessions, the testimony of witnesses should be engrossed on the book of permanent Record. The Committee recommended that the following answer be given:

The testimony of witnesses, in all cases of judicial process by church Sessions, should be engrossed on the book of permanent Records. The end to be secured by such a record is indicated in our Book of Discipline, (old) Chap. iv, Sec. xxiii, (new) Sec. xxiv, where it is required that everything which had an influence on the judgment of the court must be exhibited by the record. Files are liable to be separated from the book of permanent Records, and nothing but what is contained in the Record may be taken into consideration in reviewing the proceedings in a superior court. The recommendation was adopted.—1862, p. 33, N. S.

[Note.—See, however, Book of Discipline, Sec. xxiv, which permits Evidence simply to be filed.]

3. Records once approved by a superior judicatory may not be altered by the inferior.

Also overture from the Session of the church of Wabash, Ind., on the following questions:

1. After the records of a church Session have been examined and approved by the Presbytery, and those of the Presbytery in like manner approved by the Synod, has either the Session or the Presbytery a right or any authority to change or erase the record?

2. If not, has the Session any legal right to make a second record declaring the first erroneous and void?

The Committee recommended that the following answer be given:

A record, once approved by a higher court, cannot be altered or annulled by a lower one. If there be an error in the record, the remedy is to be sought by an application to the highest judicatory that has endorsed such mistake.

The recommendation was adopted.—1862, p. 34, N. S.

[NOTE.—For general rules as to Records, see under Form of Government, Chap. xi, Sec. vi, this *Digest*; and especially as to what is a "fair record of its proceedings;" also Book of Discipline, Sec. lxxi, first clause, and Secs. xxiv and xxvii. See also in the Index "What the Records Must Show."]

IX. It is important that every church Session keep a fair register of marriages; of baptisms, with the times of the birth of the individuals baptized; of persons admitted to the Lord's table, and of the deaths, and other removals of church members.

1. Statistical reports should show only the actual membership.

Resolved, That the Presbyteries be instructed to institute inquiries among the several churches under their care, as to the number of their communicants; so that it may be ascertained, that the utmost care has been taken to clear their church registers of all deceased, dismissed and lost members; and that it may thus be known what is the actual membership of each of their churches.—1869, p. 272, N. S.

[NOTE.—See Book of Discipline, Chap. vii, Secs. xlviii, xlix.]

2. Ordained ministers not to be enrolled as members of the church they serve.

Whether ordained ministers of the Gospel ought not to be considered church members, and to have their names enrolled on the Sessional records of the church, where they are settled as pastors, or stated supplies, which question the Committee recommended to be answered in the negative. Adopted.—1843, p. 176, O. S.

3. The aggregate number of elders and of deacons to be reported.

The aggregate numbers of the ruling elders, and also of the deacons, in the churches are required to be inserted in the Statistical Reports of the General Assembly.—1878, p. 57.

4. Acting elders only to be reported: all communicants included.

Overture asking the following questions:

a. 1. In reporting the number of ruling elders in any church, is the number to be that simply of those in active service at the time, or all ruling elders who are members of the church? *Answer*. Only those in active service.

b. 2. In reporting the number of communicants, are the elders and deacons who have been reported in their appropriate columns to be included or not? In other words, is the column for communicants in future to be for private members or for all communicants (members and officers), excepting ministers? *Answer*. All members in communion are to be enrolled, including the officers. Adopted.—1880, p. 56.

5. Rolls of baptized children, not communicants, to be kept.

a. From the Presbytery of St. Lawrence in regard to baptized members. The Assembly directs church Sessions to exercise greater care in preserving accurate rolls of their baptized members who are not communicants.—1881, p. 548.

b. Overture from the Presbytery of St. Lawrence, asking the Assembly to take such action as may better recognize the relation of baptized children to the Church. Your Committee recommend the following action by the Assembly: (1) Churches are urged to keep a full and permanent roll of all baptized children, and carefully to note their public confession of Christ, their passing beyond the watch and care of the church, or their removal by death. (2) When parents, with their families, are dismissed to other churches, the names of baptized children, who have neither come to years of discretion nor become communicants, should be embraced in the certificates given. Adopted.—1882, p. 98.

6. Annual narrative of the state of religion.

[Note.—See, also, in this *Digest*, p. 878.]

The . . . . . Church of . . . . . .
Presbytery of . . . . . .

Inquiries for the guidance of church Sessions in the preparation of the Narrative.

I. CONGREGATIONAL SERVICES.

1. To what extent has your congregation been supplied with preaching during the year?
2. How many services do you usually hold on the Lord's Day, what is the nature of these services, and has the attendance been encouraging?
3. To what extent are the children and the youth of the congregation present at these services?
4. What meetings for worship are held on days other than the Lord's Day, and is the interest in these meetings well sustained?

II. SABBATH-SCHOOLS.

5. How many Sabbath-schools are there in connection with your congregation?
6. Are they church, union, or mission schools?
7. Is the Shorter Catechism regularly taught?
8. Are the Westminster Lesson Helps used? If not, what Helps?
9. Has the school a library, and is proper care used in the selection of books?
10. State what encouragements or discouragements there are in the work.

III. SOCIETIES OF MEN OR WOMEN.

11. How many of these societies are there in the congregation?
12. What objects do they include in their work?
13. What services or meetings are held in connection with their work?
14. Are these societies prospering and is the result of their work encouraging?

IV. YOUNG PEOPLE'S SOCIETIES.

15. What societies for the young are there in the congregation?
16. What services are held in connection with these societies?

17. In what manner and to what extent do these societies further the spiritual interests of their members and the general welfare of the congregation ?

V. SPIRITUAL CONDITIONS.

18. Have there been special efforts for the revival of religion during the year ?

19. Has there been any marked religious interest in the congregation ?

20. Are there any unusual obstructions to the progress of religion in your field ?

21. Are the lives of your church members in harmony with their covenant obligations and helpful to religion ?

22. How many have united with your church by profession of faith during the past year ?

VI. BENEVOLENCE.

23. Does the congregation contribute, according to a definite plan, to all the Boards of the Church ?

24. Is there a growth in giving in accordance with the abilities of the church ?

25. Does the Sabbath-school contribute statedly to the Boards of the Church and other benevolent objects ?

26. To what Boards of the Church do the societies of men and women contribute ?

27. To what Boards do the Young People's Societies contribute ?

28. Is proper provision made for the poor of the church ?

VII. FAMILY RELIGION.

29. Are Christian parents faithful in presenting their children for baptism, and are they well instructed in respect to this duty ?

30. Are the obligations of family worship and the Christian training of children urged in public and private instruction ?

31. Is the Session faithful in its care of "children born within the pale of the visible Church and dedicated to God in baptism," and does it inform them, "when they come to years of discretion," that "it is their duty and their privilege to come to the Lord's Supper ?" (Directory for Worship, Chap. x).

VIII. MISCELLANEOUS.

32. Are the financial obligations of the congregation met with fidelity ?

33. Are the temporalities managed by the deacons or by Boards of Trustees ?

34. Is any work done for the judicious advancement, by Christian methods, of legitimate measures of moral reform ?

35. Does the Session exercise due supervision over the Sabbath-school and all the societies referred to above ?—1895, pp. 127–129.

[NOTE.—It is not intended that the Narrative shall be restricted to bare and formal answers. It should be, however, very concise, consisting of statements of fact rather than reflections. Number the paragraphs to correspond with the subjoined topics.]

CHAPTER X.

OF THE PRESBYTERY.

I. The Church being divided into many separate congregations, these need mutual counsel and assistance, in order to preserve soundness of doctrine, and regularity of discipline, and to enter into common measures for promoting knowledge and religion, and for preventing infidelity, error, and immorality. Hence arise the importance and usefulness of presbyterial and synodical assemblies.

II. A presbytery consists of all the ministers, in number not less than five, and one ruling elder from each congregation, within a certain district.

1. The first presbyteries constituted of ministers.

a. It having pleased divine Providence so to increase our number, as that, after much deliberation, we judge it may be more serviceable to the interest of religion, to divide ourselves into subordinate meetings or Presbyteries, constituting one annually as a Synod, to meet at Philadelphia or elsewhere, to consist of all the members of each subordinate Presbytery or meeting for this year at least: Therefore it is agreed by the Presbytery, after serious deliberation, that the first subordinate meeting or Presbytery, to meet at Philadelphia or elsewhere, as they shall see fit, do consist of these following members, viz.: Masters Andrews, Jones, Powell, Orr, Bradner and Morgan. And the second to meet at New Castle or elsewhere, as they shall see fit, to consist of these, viz.: Masters Anderson, McGill, Gillespie, Wotherspoon, Evans and Conn. The third to meet at Snow Hill or elsewhere, to consist of these, viz.: Masters Davis, Hampton and Henry. And in consideration that only our brethren, Mr. McNish and Mr. Pumry, are of our number upon Long Island at present, we earnestly recommend it to them to use their best endeavors with the neighboring brethren that are settled there, which as yet join not with us, to join with them in erecting a fourth Presbytery. And as to the time of the meeting of the respective Presbyteries, it is ordered that that be left to their own discretion.—1716, p. 45.

b. Agreed that Messrs. Cross, Gilbert Tennant, Francis Alison, Treat, Chesnut, Martin, Beatty, Greenman, Hunter, Ramsey, Lawrence, and Kinkead, be the Presbytery of Philadelphia. Agreed that Messrs. John Miller, Tuttle, Harris, Henry, and Wilson, be a Lewestown Presbytery, and have under their care the congregations in Kent on Delaware, Sussex, Worcester, Somerset, Dorset, Queen Anne's, and Kent in Maryland.—1758, p. 288.

Agreed, that Messrs. Craighead, Black, Craig, Miller, Davies, Todd, Henry, Wright, Brown, and Martin, in Virginia and southward, be the Presbytery of Hanover, to meet for the first time at Mr. Wright's congregation in Cumberland county, on the second Wednesday of July next.—1758, p. 289.

c. An overture was laid before the Assembly, through the Synod of Philadelphia, requesting a division of the Presbytery of Carlisle. Whereupon,

Resolved, That the said Presbytery be divided into two Presbyteries.—1765, p. 349.

[NOTE.—Carlisle and Huntingdon, 1794, p. 89. See also Columbia, 1802, p. 251; Oneida, p. 252; Shenango, 1826, p. 176; Detroit, 1827, p. 206; and the Missionary

Presbyteries generally. Later usage is to specify the congregations within the bounds assigned. A Presbytery may, however, be formed without any organized churches. See 1848, p. 20, O. S.; 1851, p. 35, O. S. But not without a definite territory. 1834, p. 441. Nor within the bounds of another Presbytery.—1873, pp. 506, 525.]

2. The Assembly refuses to erect a Presbytery of less than the constitutional number.

Overture from eight ministers and ruling elders in the Indian Territory, petitioning for a new Presbytery of that name. The Committee report that it does not appear that the number of ministers now constitutionally requisite for the formation of a Presbytery are found among the petitioners or in the proposed region. They, therefore, recommend that the answer be in the negative. Adopted.—1871, p. 545.

3. A Presbytery with less than five ministers dissolved.

The Presbytery of New Orleans not having had, for several years, the constitutional number of ministers, was dissolved, and its ministers and churches were ordered to be attached to the Presbytery of Austin.—1880, p. 83.

4. Mission Presbyteries with less than five ministers may be continued.

Overture from the Presbytery of Santa Fé, asking for an explanation of the meaning of Chap. x, Sec. ii, of the Form of Government, as recently amended, and specially inquiring whether that section as amended contemplates the dissolution of Presbyteries previously organized with less than five ministers.

Your Committee respectfully recommend the adoption of the following resolutions:

1. That the attention of the members of the Presbytery of Santa Fé be called to the exact language of the chapter and section referred to, which is: "A Presbytery consists of all the ministers, in number not less than five, and one ruling elder from each congregation, within a certain district."

2. This section, as it now reads, does not contemplate the dissolution of Presbyteries previously organized in remote and isolated regions with less than five ministers.

3. The attention of the members of the Presbytery of Santa Fé is called to p. 143 of Moore's *Digest*, 1886, where it may be seen that the General Assembly is disposed to excuse remote and isolated Presbyteries from strict compliance with certain general rules, when it shall appear that every reasonable effort has been made to comply with said rules.

4. The Presbytery of Santa Fé are referred to their Synod for further direction as to the general contents of their overture.

The report was adopted.—1877, p. 549.

5. "Elective affinity" Presbyteries condemned.

Resolved, That the erection of church courts, and especially of Presbyteries and Synods, on the principle of "elective affinity"—that is, judicatories not bounded by geographical limits, but having a chief regard in their erection to diversities of doctrinal belief and of ecclesiastical polity—is contrary both to the letter and the spirit of our constitution, and opens a wide door for mischiefs and abuses of the most serious kind. One such Presbytery, if so disposed, might in process of time fill the whole Church with unsound and schismatic ministers, especially if the principle were adopted that regular testimonials must of course secure the

admission of those who bore them into any other Presbytery. Such a Presbytery, moreover, being without geographical bounds, might enter the limits and disturb the repose of any church into which it might think proper to intrude, and thus divide churches, stir up strife, and promote party spirit and schism with all their deplorable consequences. Surely a plan of procedure in the Church of God which naturally and almost unavoidably tends to produce effects such as these, ought to be frowned upon, and, as soon as possible, terminated by the supreme judicatory of the Church.—1835, p. 486.

[NOTE.—Exceptions were made in behalf of the missionaries among the Indians. Minutes 1826, p. 181; 1828, pp. 246, 247; 1829, p. 259.]

6. Presbyteries to be defined by geographical lines or lines of travel.

1. That each several Presbytery, with the ministers and churches within its limits, be defined as to boundaries by geographical lines, or with respect to the most convenient lines of travel.—1870, p. 88.

7. Presbyteries may not be organized so as to cover the same ground.

a. A memorial from David M. Wilson, of the Presbytery of Kingston, Synod of Tennessee, praying this General Assembly to give an authoritative deliverance in reference to the right of a Synod to organize a colored Presbytery on territory included in Presbyteries already existing.

The Committee on Polity recommend that this request be not granted, and that the authoritative deliverance be made according to the definition of a Presbytery, in Chap. x, Sec. ii, of our Form of Government, viz.: "A Presbytery consists of all the ministers, in numbers not less than five, and one ruling elder from each congregation within a certain district." The General Assembly must forbid the organization of more Presbyteries than one upon the same ground, allowing no distinctions of race or color or language to interfere with the unity and simplicity of that oversight which the Constitution of this Church requires. Adopted.—1873, p. 525.

b. The Committee (on Polity) would give the same reply to the application for a *German* Presbytery that was given to the application for a *colored* Presbytery. (See above.) Adopted.—1873, p. 539.

c. The Committee on the Records of the Synod of Tennessee recommended their approval, except that the organization of a Presbytery as authorized by the action of Synod, recorded on p. 361 (see *a*, above), would be irregular, for the reason that the new Presbytery would cover territory already belonging to other Presbyteries, and the same territory thus come under the jurisdiction of different Presbyteries. Adopted.—1873, p. 506.

8. Presbyteries and Synods in foreign missionary fields.

The Committee, to whom was referred the report of the Special Committee on Missionary Presbyteries and Synods appointed by the last General Assembly, presented their report, recommending the adoption of the following rules in reference to the formation of Synods and Presbyteries in foreign missionary fields:

I. In regions occupied by the Presbyterian Board of Foreign Missions *only:*

1. In such regions, Presbyteries, and eventually Synods, may be organized, at discretion, if not already organized; under whose care the native churches in the missions shall be placed.

2. Each Presbytery shall consist of all the ministers, foreign and native, not less than five in number, and a ruling elder from each church within its bounds.

3. Such Synod shall regularly send to the General Assembly certified copies of their minutes; and such Presbyteries, narratives of the state of religion and statistical reports.

II. In regions occupied by the Board and by the missions of other Presbyterian denominations:

1. In such regions, missionary churches, Presbyteries, and Synods, holding the same faith and order, should be encouraged to enter into organic relations with each other for joint work in the common field.

2. For purposes of representation, however, the ordained ministers, foreign and native, connected with the Board of Foreign Missions, if sufficient in number, shall, with an elder from each of their churches, be regarded as a distinct Presbytery, entitled to appoint Commissioners to the General Assembly.

3. In all organizations constituted on this plan it is understood that no allowance is to be given to any departure from the Confession of Faith of the Presbyterian churches of Great Britain and America.

The report was adopted.—1879, p. 620.

9. Union Presbyteries in foreign fields.

a. That the formation of Union Presbyteries in foreign fields jointly occupied by organizations in harmony with the reformed system of doctrine and with the Presbyterian polity is encouraged; and that the whole subject of the relation of our American ordained missionaries to these Union Presbyteries is referred to a Committee of three ministers and two ruling elders, whose duty shall be carefully to define the ecclesiastical status of such missionaries, and report to the next General Assembly for approval.—1886, p. 54.

b. On the report of the Committee the following resolutions were adopted:

1. That in order to build up independent national churches holding to the Reformed doctrine and the Presbyterian polity, on foreign fields, the more general and complete identification of our missionaries with the native ministers and churches and other foreign missionaries on these fields, is of the most vital importance, and needs to be pushed forward as rapidly as is consistent with a due regard to the interests of all parties to these unions.

2. That in countries were it is possible satisfactorily to form Union Presbyteries, the further organization of Presbyteries in connection with this General Assembly is discouraged, and in countries where there are now Presbyteries in connection with this General Assembly, but where it is possible satisfactorily to form Union Presbyteries, it is strongly urged that the steps be taken as rapidly as this can wisely be done, to merge the membership in Union Presbyteries, and to dissolve the Presbyteries of this General Assembly.

3. That in the case of our ordained foreign missionaries who are not in full membership of Union Presbyteries covering the territory where they reside, it is urged that so soon as practicable, they become full members; and also that when our foreign missionaries are full members of these or as rapidly as they become such, they are urged to ask letters of dismissal from their Presbyteries to these Union Presbyteries; and, it is hereby

ordered, that so soon as these letters are accepted, they cease to be regular members of these Presbyteries.

4. That in case any missionary thinks it undesirable to make this transfer of ecclesiastical membership, the decision as to the question shall be left to the home Presbytery to which he belongs; before which body, if so desired by it, he shall lay his reasons for the delay; and the Presbyteries are requested to use patience in dealing with such cases.

5. That each home Presbytery shall from year to year, in its statistical report, place on a supplementary roll, to be published with the remainder of the report in the *Minutes* of the General Assembly, the names of all ordained missionaries who, having been sent out by it, are still engaged in our foreign missionary work, but who, by joining Union Presbyteries in harmony with the Reformed doctrine and Presbyterian polity, have severed their former membership with the home Presbytery.

6. That in all regions where, through the organization of Union Presbyteries, there are no Presbyteries in connection with this Assembly, each mission organized as such under our Board of Foreign Missions may send to the General Assembly an ordained missionary, or ruling elder, as a delegate; and the standing rules of the Assembly are hereby so amended that such delegate is entitled to sit as an advisory member in the Assembly, and to speak, under the rules, on all questions, and that his expenses from his domicile in this country to and during the Assembly and return, shall be met as those of Commissioners out of the funds of the Assembly; and further that Synods be requested to make a suitable provision for a similar representation at their meetings.

7. That Presbyteries are advised that the rule as to foreign ministers who seek to enter our Presbyteries is interpreted, as not applying to missionaries who have been placed on the supplementary rolls of Presbyteries, and who bring letters of dismissal from Union Presbyteries.—1887, pp. 23, 24.

10. Ministers without charge are constituent members of Presbytery.

Are ministers without charges constituent members of our church judicatures, and have they an equal voice with settled pastors and ruling elders of congregations in ecclesiastical governments?

In the judgment of this Assembly this question is answered affirmatively, Chap. x, Sec. ii, of the Form of Government of the Presbyterian Church, in these words: "A Presbytery consists of all the ministers and one ruling elder from each congregation within a certain district."—1816, p. 615.

11. Elders without charge and membership in Presbytery.

[NOTE.—See under Chap. xiii, Sec. viii, p. 541.]

12. Ministers without charge must unite with the Presbytery within whose bounds they reside.

5. That ministers without charge are required to unite with that Presbytery, within the geographical limits of which they ordinarily reside, or are nearest to, and to which they shall be amenable for the proper discharge of their ordination engagements.—1870, p. 88.

13. The Presbytery to judge each case of those living out of their bounds.

a. Overture, being a request from the Presbytery of Cleveland: 1. That this Assembly lay down some general rule for dealing with those

members of Presbyteries who, not actively engaged in the pastoral work, neglect to report to their Presbyteries; and,

2. To lay down some uniform rule concerning those ministers who leave the bounds of their own Presbytery and neglect to remove their connection, though their residence is permanently fixed within the bounds of another Presbytery. The Committee recommend that each such case be decided by the Presbytery on its own merits. Adopted.—1878, p. 57.

b. Overture from the Presbytery of Philadelphia, in reference to the case of Rev. James Smith.

As the Rev. James Smith, at the time of the reconstruction of our Synods and Presbyteries, resided in the territory covered by the Presbytery of Wisconsin River, he should have united with that Presbytery. Having failed to do so, and the Presbytery of Philadelphia having informed the Presbytery of Wisconsin River of his status at the time of the reconstruction, the latter Presbytery should communicate with him as to his duty, ascertain why he failed to report to them, and enroll him as one of their members.—1879, p. 612.

14. Non-residents to be transferred to the Presbyteries within the bounds of which they reside.

The Committee to whom was referred an overture from the Synod of Albany, in regard to non-resident members of Presbyteries, made the following report, which was adopted, viz.:

In conformity with the overture from the Synod of Albany, the Committee would recommend to the Assembly the adoption of the following resolution, viz.:

Resolved, That it be enjoined on the Presbyteries to inquire carefully in regard to any of their members, who may be residing without the bounds of their respective Presbyteries, whether there be sufficient cause for such non-residence; and if not, that measures be taken to transfer the relation of such ministers to the Presbyteries in the bounds of which they reside.—1836, p. 530.

15. The above rules defined and affirmed.

The Committee on Bills and Overtures reported back Overture No. 32, which was adopted as explanatory of principle 5, page 88, of the *Minutes* of the Assembly of 1870, as follows:

The Assembly, in reconstructing the Church, did, by the act of reconstruction, design to return to the exact language of the Form of Government, which declares that a "Presbytery consists of all the ministers and one ruling elder from each congregation within a certain district. Ministers residing within the geographical limits of a Presbytery were, *ipso facto* (provided they were in good standing in the Presbytery to which they belonged), members of that Presbytery, and should have been so enrolled."

After the Presbyteries were reconstructed, all ministers uniting with them could only be received by regular letters of dismission and recommendation.

The Assembly also affirms the duty of ministers to unite with the Presbyteries within whose bounds they reside; except where their ministerial labors are in an adjacent Presbytery.—1872, p. 94.

16. Jurisdiction over members non-resident.

[NOTE.—See Book of Discipline, Chap. xi, Sec. cx.]

III. Every congregation which has a stated pastor has a right to be represented by one elder; and every collegiate church by two or more elders, in proportion to the number of its pastors.

1. Collegiate church defined.

Overture from a member of the Synod of Pittsburgh, as follows:

a. Is a church having two pastors, one aged or infirm, the other associate or co-pastor, entitled to two elders in Presbytery and Synod? Or what is the meaning of a "collegiate church," in Chap. x, Sec. iii, of the Form of Government?

The Committee recommended this answer:

The general principle of our polity is that there shall be in our church courts an equal number of ministers and ruling elders. But vacant churches are entitled to a representation. The term "collegiate church" is used in two senses—first, of a church with more than one pastor; second, of two or more churches united under the care of one pastor.

The report was adopted.—1868, p. 651, O. S.

b. Overture from the Presbytery of Cleveland in regard to representation of collegiate churches. The Committee recommend that no action be taken, reference being made to the *Digest*, 1873, p. 138. Adopted.—1874, p. 83.

[NOTE.—See below, under Sec. iv.]

IV. Where two or more congregations are united under one pastor, all such congregations shall have but one elder to represent them.

1. United congregations represented by one elder.

An overture from the Synod of Mississippi, asking, "When two or more congregations have separately called one and the same minister to become the pastor of each church, and he accepts these calls, and is installed over these congregations as pastor, are these churches entitled to one or more elders to represent them in Presbytery?" The Committee recommended the following resolution, which was adopted, viz.:

Resolved, That the question be answered in the negative.—1847, p. 377, O. S.

[NOTE.—The meaning of the above is that the united congregations are entitled to be represented in Presbytery by one elder.]

2. Where a minister is pastor of one church and stated supply of another each is entitled to be represented.

Where a minister is at the same time pastor of one church, and acts as stated supply of another, has each of said churches a right to be represented by its own elder, at the same meeting of the Presbytery or Synod? or does this case come under the rule Chap. x, Sec. iv, Form of Government?

The Assembly answer, That churches having stated supplies only are not such churches as are contemplated in the article referred to, and have a right of representation according to the principles of the Form of Government, Chap. x, Sec. v.—1851, p. 15, N. S.; also 1847, p. 377, O. S.

3. Churches in different Presbyteries under one pastor, as permitted by the Reconstruction Act.

Overture No. 16, from the Presbytery of Kittanning, asking further action from the Assembly in reference to churches in different Presbyteries united in one pastoral charge.

The Assembly judge any additional action upon the subject to be unnecessary, as the action of the previous Assembly was intended to cover all such cases, and is valid, until repealed.—1872, p. 86.

The action referred to is as follows, viz.:

4. That when two or more congregations, on different sides of a Synodical or Presbyterial line, are under one pastoral charge, they shall all, for the time, belong to that Presbytery with which the minister is connected, but only so long as such pastoral relation continues.—1870, p. 88.

4. Churches in different Presbyteries, under one pastor, are under the care of the Presbytery to which the pastor belongs, while the relation continues.

Overtures from the Presbyteries of Kittanning, Clarion and Blairsville: "When two churches in different Presbyteries or Synods are so situated as to make it apparent to the Presbyteries to which they belong, that they should be united in one pastoral charge, the pastoral relation may be constituted, and both churches shall, for the time being, be under the care of that Presbytery of which the pastor is a member; and this Presbyterial relation shall continue only so long as they retain the same pastor." The Committee recommend the adoption of the overture. Adopted.—1874, p. 82.

5. The course to be pursued when the pastoral relation is to be constituted over churches in different Presbyteries or Synods.

Overture from the Presbytery of Cayuga. The following action was taken by the General Assembly of 1874 (see *Minutes*, p. 82):

"When two churches in different Presbyteries, or Synods, are so situated as to make it apparent to the Presbyteries to which they belong that they should be united in one pastoral charge, the pastoral relation may be constituted; and both churches shall for the time being be under the care of that Presbytery of which the pastor is a member, and this Presbyterial relation shall continue only so long as they retain the same pastor."

The above action is silent as to how and by whom this pastoral relation over two churches in different Presbyteries is to be constituted, and as to the time when, and the process by which, one of such churches shall be transferred to the jurisdiction of the other Presbytery.

The Presbytery of Cayuga, having experienced certain difficulties in carrying out said "action," and having had our act under it declared "irregular" by the Synod of New York (see printed *Minutes* of the Synod of New York for 1889, p. 47), respectfully overtures the General Assembly to take such further action, supplementing the action of 1874, and in harmony therewith, as shall specifically authorize either of the Presbyteries to which the two congregations belong, upon the consent and concurrence of the other Presbytery, to constitute the pastoral relation over the two congregations; and as shall authorize the Stated Clerks of said Presbyteries to transfer, for the time being, either church,

as required, to the roll and jurisdiction of the Presbytery of which the pastor is a member. Without presuming to judge the matter, we also respectfully suggest that the Presbytery of which the minister is a member, and to the care of which the congregation is to be transferred, is naturally the one to constitute, with the consent and concurrence of the other Presbytery, the pastoral relation over both congregations.

Answer: The Committee recommend the following answer as supplemental to the action of 1874 (*Digest*, 1886, p. 491):

The Presbytery of which the minister is a member, and to the care of which, for the time being, one of the churches is to be transferred, shall constitute, with the consent and concurrence of the other Presbytery, the pastoral relation over both churches. But the Presbytery from which the church is temporarily to be removed, should first authorize the transfer of said church, and direct its Stated Clerk to give notice of the same both to the church and to the other Presbytery.—1890, pp. 46, 47.

V. Every vacant congregation which is regularly organized shall be entitled to be represented by a ruling elder in Presbytery.

1. Every congregation is vacant which has not a pastor duly installed.

a. Should every congregation be considered as vacant which is not united to any minister in the pastoral relation? and if it should, is not every such congregation entitled to be represented by a ruling elder in Presbytery?

Resolved, That from a comparison of Secs. iii and v, of Chap. x, Form of Government, it is evident that every congregation without a pastor is to be regarded as a vacant congregation, and consequently, if regularly organized, is entitled to be represented by a ruling elder in a Presbytery.—1843, pp. 190, 196, O. S.

b. When a domestic missionary has organized in his field of labor two or more churches to which he statedly ministers, though not installed as pastor over any of them, are these churches to be considered vacant, and have they a right each to send an elder to represent them in Presbytery?

Answer: That in the cases specified the churches are vacant, and entitled to be represented by elders.—1860, p. 38, O. S.

[Note.—See iv, above.]

c. Overture from the Presbytery of Bloomington, asking, "What is a vacant church?" *Answer:* "Every congregation or church is vacant which has not a pastor duly installed" (Moore's *Digest*, 1886, p. 139). Adopted.—1895, p. 102.

VI. Every elder not known to the Presbytery shall produce a certificate of his regular appointment from the church which he represents.

VII. Any three ministers, and as many elders as may be present belonging to the Presbytery, being met at the time and place appointed, shall be a quorum competent to proceed to business.

1. A quorum may be constituted wholly of ministers.

a. *Resolved*, That any three ministers of a Presbytery, being regularly convened, are a quorum competent to the transaction of all business, agreeably to the provision contained in the Form of Government, Chap. x, Sec. vii.—1843, p. 196, O. S.

In answer to memorials on this subject, the Assembly—

b. *Resolved*, That the last Assembly, in determining that three ministers are a quorum of the Presbytery when no ruling elders are present, did not detract in any degree from the dignity and importance of this office, nor did they question the perfect right or duty of elders to be present and take part in all acts of government and discipline, but only declared that according to the true intent and meaning of our constitutional rules, their absence does not prevent the Presbytery from constituting and transacting business if three ministers are present; and this decision is based upon the fact that ministers are not only preachers of the Gospel and administrators of sealing ordinances, but also ruling elders in the very nature of their office.—1844, p. 370, O. S.

[NOTE.—Against this action of the Assembly a protest was entered by twenty-eight members of the Assembly. For protest and answer see Baird's Digest, revised edition, pp. 71–75. The Assembly disavows the charges by the following:]

c. *Resolved*, That this Assembly, in reaffirming those decisions of the last Assembly which have been called in question, design to maintain the purity, order and peace of the Church, and the continued and faithful observance of those principles and regulations which have heretofore been found to consist with true Christian liberty and secure the common welfare of all classes in the Church. Also, they reaffirm and maintain the Scriptural authority of the office of ruling elder, and the great importance and solemn obligation of the attendance of elders on the meetings of the judicatories of the Church, and of their equal participation in the exercise of government and discipline.—1844, p. 371, O. S.

2. Less than three ministers cannot be a quorum.

The records of the Synod of Genesee were excepted to because the Synod made two clerical members of a Presbytery a quorum for business.—1857, p. 387, N. S..

3. Less than a quorum can do no Presbyterial act other than to adjourn. They cannot receive a member, so as to form a quorum.

The Committee appointed by the last Assembly with reference to a Presbyterial quorum presented their report, which was adopted, and is as follows:

The overture is presented in three several branches, and is in the following words, viz.:

1. Has any number of members of a Presbytery less than a quorum for the transaction of business, as mentioned in the Form of Government, Chap. x, Sec. vii, authority to transact any business except to adjourn? Have they authority to receive members into the Presbytery, to send delegates to the General Assembly, etc.?

2. And where members received into the Presbytery by a number less than a quorum take up charges on "common fame" against a minister of the Gospel belonging to such Presbytery, is a trial founded on charges so taken up authorized by our Book of Discipline?

3. Is a Presbytery duly organized, when the Moderator and Temporary Clerk are ministers, who have not been admitted into the Presbytery by a quorum for the transaction of business? And is any business transacted by a Presbytery so organized constitutional, especially the trial of a minister of the Gospel?

The Committee are unanimous and unhesitating in the following views, presented under the several branches of the overture in their order:

a. *The law of a quorum.*

As to the first branch of the overture:

The law of a quorum is not a mere rule of procedure, a provision of order, but a matter respecting the very being of the judicatory. Any number of members less than the constitutional quorum do not make a judicatory, and are not competent to any organic act. Nor can they, by associating others with themselves, under the pretence or form of receiving them as members of the judicatory, make a constitutional quorum. Their acts are simply null and void. *Ex nihilo nihil fit.* This statement applies to every judicatory in the series from the church Session to the General Assembly.

Any number of persons less than "three ministers and as many elders as may be present belonging to the Presbytery," do not constitute a Presbytery, and are not competent to do a Presbyterial act. Of course they have not "authority to receive members into the Presbytery," nor "to send delegates to the General Assembly." Ministers received by them do not thereby become members of the Presbytery, and, if they assume to act as such, they are simply aliens and intruders. Commissioners sent by them to the General Assembly should not be allowed to sit, when the facts of their appointment are understood.

The doings of such a meeting should not have a place on the records. But if the Stated Clerk records them, the Presbytery itself, when constitutionally organized, should take action to adopt or disaffirm them; and, in failure of this, the Synod, under its power of review and control, should, on inspection of the records, notice the unconstitutional proceedings, and require the Presbytery to make the necessary correction.

Were it necessary to confirm these positions, it would be sufficient to refer to the decision of the General Assembly (Moore's *Digest*, 1861, p. 105) in regard to a quorum of Sessions, to the effect, that what is "necessary to constitute a quorum," is "necessary to form a Session;" and to the deliverance of the Assembly of 1860 (see *Minutes*, pp. 260, 261, N. S.), on an overture respecting certain disorderly proceedings of a church, in which the principle is involved and affirmed, that an "unconstitutional act," is "utterly null and void;" and that "being void," it "works no effect."

b. *Taking up charges equivalent to entering process.*

As to the second branch of the overture:

"Taking up charges" is equivalent to "entering process," or "commencing process" (cf. Book of Discipline (old), Chap. iii, Sec. v, with Chap. v, Secs. ii and v). It is the beginning, or first formal step, of a judicial proceeding; and is of course the act of the judicatory. Now, all the provisions of the Book of Discipline, in relation to the trial of persons subject to the jurisdiction of a judicatory, presuppose and assume, that "the charges have been taken up," as well as that every subsequent step of the proceedings has been had by the judicatory itself. Hence the Book of Discipline does not "authorize" the trial of a minister of the Gospel by his Presbytery, "on charges taken up" by individuals usurping its prerogatives, but only on charges taken up by itself.

The Book of Discipline (old), however, prescribes (Chap. vii, Sec. i, sub sec. iv) that "no judicial decision of a judicatory shall be reversed, unless it be regularly brought up by appeal or complaint."

The trial of a minister, under the circumstances proposed in the overture, must be regarded as any other trial, where there has been informality or irregularity in the citation, or other preliminary stages of the process. The trial, with the judgment based upon it, must be respected, until the Synod, as the superior judicatory, shall judge how far the irregularity vitiates the proceedings, and defeats the ends of justice, and shall annul or confirm the same.

c. *The Moderator and Clerk ministerial officers merely and not necessarily members of the judicatory.*

As to the third branch of the overture:

The Moderator and Clerk are ministerial officers of the judicatory. In respect of their office, they are servants merely, and not members of the body.

Of the Clerk, this would seem to be unquestionably true. The Constitution knows nothing of the *Temporary* Clerk as distinguished from the *Stated* Clerk. As far as any provision of the "Book" is involved, it is plain that a judicatory may select any convenient person, though not a member, to record its transactions, and discharge all other duties pertaining to a Clerk. For the part of those duties usually devolved upon the *Temporary* Clerk, we believe, it is no unfrequent thing for a Presbytery to employ a licentiate, or other person not a member of the body.

Nor does the Constitution explicitly, at least, require the *Moderator* to be chosen from the members of the judicatory. It does indeed prescribe (Chap. xix, Sec. ii) that, in a certain contingency, "he shall possess the casting vote." And as voting is the act of a member, the implication seems to offer itself that the Moderator himself must be a member. But against this implication some other facts of the Constitution may be cited. Thus (Form of Government, Chap. ix, Sec. iii), there is the provision for inviting, in certain contingencies, a minister to moderate the church Session, who is not the pastor of the church, and of course not a member of the Session: while the general law of "Moderators" (Chap. xix) gives him the casting vote. Then, again, the Form of Government (Chap. xii, Sec. vii), prescribes, concerning the General Assembly, that "the Moderator of the last Assembly, if present, or, in case of his absence, *some other minister*, shall preside, until a new Moderator be chosen." Under this provision, it is not necessary that the minister called to preside in the Assembly should himself be in commission (Moore's *Digest*, 1861, p. 173). It may be said, that this is merely for organization. True. But the whole principle seems to be involved. For the time being, one, not a member of the Assembly, is its Moderator, and as such has a casting vote on the numberless issues that may be raised between the formation of the roll and the choice of a new Moderator. And in the former case, pertaining to church Sessions, no such limitation for mere organization exists. Hence these two points are clearly recognized: 1. That it is not essential to the idea of a Moderator that he be a member. 2. That the privilege of a casting vote does not necessarily imply membership.

In the United States Senate, we have an instance of the Moderator being foreign to the body over which he presides. By the constitution

of the United States, the Senate "shall be composed of two senators from each State," etc. The senators make the whole body; and yet, by the same instrument, the "Vice-President of the United States shall be President of the Senate," with a casting vote. In the State of New York (as perhaps in other States) the Speaker of the Assembly may have *two* votes, one *as a member* of the body, and the casting vote besides; a fact which rebuts the supposition that the casting vote is an incident of membership.

All this is urged, without respect to the immemorial usage of our Church courts, but solely in view of what is essential by the provisions of the written constitution and the nature of the subject.

If these suggestions are sound, then a Presbytery in the position proposed by the overture is "duly organized," and every business done by it is constitutional—*quoad hoc*.

2. But, if it be not admitted that the Constitution allows a Presbytery to choose for its Moderator one foreign to its body, it may still be said, the selection of officers is a matter relating not to the *being* of the judicatory (like the presence of a quorum), but to its *form* and *order* merely. An irregularity here does not nullify the body. It is still a judicatory, with all the essential elements, and competent for business. Its business may be constitutional, though done in an unconstitutional way, and liable to correction by a superior judicatory.

3. Besides, though the persons chosen officers "are ministers who have not been admitted into the Presbytery by a quorum," or (which is its meaning) *have been received by a number less than a quorum*, and are not *thereby* constitutionally members, it would still be open to the inference, that the Presbytery (with a constitutional quorum), in choosing such persons to office, thereby virtually affirmed and adopted the previous unconstitutional act, by which they were received into the body, made it their own, and made it good.

Hence, in every view, the Committee are clearly of the opinion that, in the case proposed in the third branch of the overture, the answer should be, that the Presbytery is "duly (that is, validly) organized," and competent to any business, including the trial of a minister of the Gospel.

Still it is obvious, that the presence in the Presbytery of persons received as *members by any number less than a quorum*, and in virtue thereof claiming to exercise the privilege of members (whether chosen to office or not), may work great wrong and vexation, by overruling the voice of the majority of the lawful members of the judicatory. And every member has the constitutional right, in some appropriate way, to carry any grievance from this source to the notice of the Synod for correction. We would, therefore, qualify the above answer to this branch of the overture, by adding, that, however the acts of a Presbytery so organized may be irregular, they are not necessarily *void and null* (as where there is the want of a quorum), but *voidable* only in the judgment of the superior judicatory, when brought before it in a constitutional way.—1861, p. 455–459, N. S.; *Digest*, 1886, pp. 140–143.

4. Reception of a member by less than a quorum sanctioned by the Assembly, as an exceptional case.

a. Overture from the Presbytery of Santa Fé on the reception of John Annin without a constitutional quorum; recommending that it be

sanctioned, by reason of the singularity of the case. The recommendation was adopted.—1870, p. 49.

b. *A similar case.*—Overture from the Presbytery of East Florida, with a statement, that owing to the decease of one of their ministers, and the removal of another, they were reduced to a membership of only two ministers; and that by the advice of the Stated Clerk of the General Assembly, they had at their recent meeting received a third minister, and having thus obtained a constitutional quorum, had transacted the business of their stated meeting.

They ask the Assembly to legalize this proceeding. The Committee recommend that the action of the Presbytery of East Florida, in receiving the Rev. Matthew L. P. Hill, under the circumstances stated in the memorial, be and the same is hereby ratified and confirmed. Adopted. —1871, p. 538.

c. Also legalizing the action of the Presbytery of East Florida, in receiving Calvin E. Stowe, D.D., and Rev. James K. Warner, a quorum of members not being present.—1872, p. 87.

d. The Presbytery of Montana respectfully represent to the General Assembly, that at its late meeting, April 3, 1877, only two ministers and two elders were present to constitute the same. Before any business was transacted, Rev. John D. Hewitt was received by letter from the Presbytery of New Brunswick. After this action, the regular Presbyterial business was attended to. Whereas doubt exists whether such proceedings were regular according to the rules of the Church, this Presbytery respectfully requests the Assembly to affirm this action and declare it valid.

The Committee recommend that, owing to the singularity of the case and the difficulty in the way of the members of the Presbytery coming together, the request be granted. Adopted.—1877, p. 529.

VIII. The Presbytery has power to receive and issue appeals, complaints and references from church sessions brought before them in an orderly manner; and in the trial of judicial cases, the Presbytery shall have power to appoint and act by Judicial Commissions; to examine and license candidates for the holy ministry; to ordain, install, remove, and judge ministers; to examine and approve or censure the records of the church sessions; to resolve questions of doctrine or discipline seriously and reasonably proposed; to condemn erroneous opinions which injure the purity or peace of the Church; to visit particular churches, for the purpose of inquiring into their state, and redressing the evils that may have arisen in them; to unite or divide congregations, at the request of the people, or to form or receive new congregations, and in general to order whatever pertains to the spiritual welfare of the churches under their care.

I. TO RECEIVE AND ISSUE APPEALS, COMPLAINTS AND REFERENCES FROM CHURCH SESSIONS.

1. The acts of Presbytery subject to appeal; but must be obeyed until repealed or modified.

The acts of Presbytery may be appealed from or complained of to a higher judicatory; and in the absence of such appeal or complaint they are to be respected and obeyed until repealed or modified.

Where complaint against the action of Presbytery is taken to Synod, and when no one appears to prosecute such complaint, and the complaint is dismissed by the Synod, this action of the Presbytery remains in full force and effect.—1896, p. 131.

[NOTE.—See under Appeals, etc., Book of Discipline, Chap. vii, Secs. i, iii, iv.]

II. TO EXAMINE AND LICENSE CANDIDATES FOR THE HOLY MINISTRY.

1. Licentiates should be regularly received. Caution to be used.

[NOTE.—See case of John McClean, 1772, p. 435; of Francis Hindman, 1791, p. 37; and of James McCoy, 1791, p. 38; *Digest*, 1886, pp. 144, 145. Also Form of Government, Chap. xiv. Of Licensing Candidates or Probationers to Preach the Gospel.]

2. Time-limit for licenses.

The Committee recommend the Assembly to adopt the following rules:

1. Every license to preach the Gospel shall expire at the end of the period of four years, unless the candidate holding the same shall, before the expiration of that time, be called to permanent labor in the work of the Church. But the Presbytery, under whose care such licentiate may be, may, in its discretion, extend his license for the period of one year.

2. The Presbyteries are enjoined to take the oversight of their licentiates and their vacant churches, bringing in the one for the supply of the other; and, through the Home Missionary Committees of the Synods to which the Presbyteries belong, to seek to introduce their candidates to the widest fields of labor, and to furnish them full opportunity of practically showing their fitness for the Christian ministry. Adopted.—1872, p. 87.

3. The Assembly's constitutional powers in licensure.

Overture No. 3, from the Presbytery of Westchester, asking the Assembly to determine,

1. In what way the action of the General Assembly of 1872, in the matter of limiting licenses to preach [*Digest*, p. 401], shall be applied to those who were licentiates at the time such action was taken.

2. In what sense the words, "extraordinary cases," in the action of 1873 (*Minutes* 1873, p. 524), on this subject, are to be understood.

3. To make an explicit deliverance, as to the powers of the General Assembly over the functions of the Presbytery in granting and continuing licenses to preach the Gospel.

The Committee recommended the following answer:

1. The action of the Assembly of 1872 requires, that all licenses then in force expire in four years from the date of that action.

2. The determination of the sense of the words "extraordinary cases," must be left to the Presbytery, in connection with the circumstances of each case.

But it is clear that their reference is to the preparatory studies of the candidates, and not to a class who had only a higher usefulness, and not the ministry, in view.

3. The Assembly has no power over the functions of the Presbytery in granting and continuing licenses, save that of review and control.—1874, p. 81.

4. Rights and duties of the Presbyteries in licensing candidates.

While fully recognizing the constitutional right of Presbyteries in the matter of licensing candidates for the ministry (Form of Government, Chap. xiv), we are nevertheless urgent that Presbyteries have special

care of their examinations in subjects required by the Form of Government, Chap. xiv, Sec. iv, and that due respect be given to the deliverances of the General Assembly in the matter of the education of students for the Gospel ministry.—1896, p. 161.

III. TO ORDAIN MINISTERS.

1. Ordination by a Commission of Presbytery.

[NOTE.—For cases of ordination, by a Commission see *Digest* of 1886, pp. 145, 146 *a*, *b*, *c*, *d*.]

2. Ordination by a Commission unconstitutional.

a. Overture from the Presbytery of Jersey City, asking the Assembly to declare whether a Presbytery has the right to perform the act of ordination by a Commission (the examination of the candidate and the vote to ordain him having been previously passed in Presbytery). Your Committee recommend the following answer: Ordination either by a Committee or by a Commission of Presbytery is contrary to the express provisions of Chapter xv, Sec. xii, of the Form of Government. Adopted.—1894, p. 76.

b. Overture from the Presbyterian Mission in Korea, asking for advice as to the ecclesiastical power of a Mission. The Committee submits the following answer to the said overture: We recommend as answer the following: The only recognized authority in the Presbyterian Church in matters of licensure and ordination is the Presbytery or a Commission duly constituted by a Presbytery. A Mission has no such authority.—1896, p. 146.

3. Ordination on the Sabbath day inexpedient, but left to discretion of the Presbytery.

An overture was received from the Presbytery of Orange, requesting the opinion of the General Assembly on the question whether it be proper to ordain licentiates to the office of the Gospel ministry on the Sabbath day. The General Assembly think it would not be for edification to adopt a uniform rule on the subject. In general they think it is not expedient that ordinations should take place on the Sabbath, yet that there may be cases in which urgent or peculiar circumstances may demand them. The Assembly therefore judged it best to leave it to the Presbyteries to act in this concern as they may judge that their duty requires.—1821, p. 10.

4. Ordination by foreign bodies not approved.

The Assembly took up the report of the Committee on Overture No. 3, which was laid on the table; which being read and amended, was adopted, and is as follows, viz.:

Whereas, Many of the ministers who are to supply the vacant churches and destitute places in the more new and growing parts of our Church must, for some time to come, continue to be educated in the older sections of our country, and at a great distance from the field where they are to be employed; and whereas, it is important to the happy and useful settlement of these ministers, in their several fields of labor, that they should enjoy the full confidence of the ministers and churches among whom they are to dwell; and whereas, the ordination of ministers in the presence of the people among whom they are to labor, is calculated to endear them very much to their flocks, while it gives their fathers and brethren in the ministry an opportunity of knowing their opinions and

sentiments on subjects of doctrine and discipline; and whereas, our Form of Government seems to recognize the right and privilege of each Presbytery to examine and ordain those who come to the pastoral office within their bounds, and who have never before exercised that office; therefore,

Resolved, 1. That it be earnestly recommended to all our Presbyteries, not to ordain, *sine titulo*, any men, who propose to pursue the work of their ministry in any section of the country where a Presbytery is already organized to which they may go as licentiates and receive ordination. 2. That the several bodies with which we are in friendly correspondence in the New England States, be respectfully requested to use their counsel and influence to prevent the ordination, by any of the Councils or Consociations, of men who propose to pursue the work of the ministry within the bounds of any Presbytery belonging to the General Assembly of the Presbyterian Church; and that the delegates from this Assembly to those bodies respectively be charged with communicating this resolution.—1834, p. 428.

5. Lay ordination invalid.

a. The Committee to whom was referred Overture No. 15, viz., on ordination by a deposed minister or by laymen, made the following report, which was adopted, viz.:

That this paper contains a letter from a minister in South Carolina to the Stated Clerk, requesting him to obtain a decision of the General Assembly on the question, "whether the ordination of a minister of the Gospel by the interposition of the hands of the laity is valid." That the answer to this question should be in the negative is so obvious and evident on all correct principles of ecclesiastical order, that your Committee are of the opinion that it is unnecessary for the General Assembly to give any further consideration to the subject.—1832, p. 366.

b. The Committee on Overture No. 3, viz., a question from the Presbytery of Bethel respecting holding communion with the followers of William C. Davis, a deposed minister, and calling themselves Independent Presbyterians, reported that in their judgment the questions proposed in said overture ought to be answered in the negative. They therefore would recommend the adoption of the following resolution, viz.:

Resolved, That while this Assembly readily acknowledges the right of the Session to determine according to the Scriptures and the Constitution of our Church the qualifications for admission to sealing ordinances, yet they feel it to be their duty to declare that in their judgment the services of those who have received only lay ordination and of those who have been deposed from the Gospel ministry are unscriptural and unwarrantable, and therefore an attendance on their ministrations cannot be in the order of the Gospel, and ought to be discouraged and discountenanced by every friend of the Redeemer's kingdom.—1833, p. 407.

6. Ordination procured by fraud valid, but the Presbytery should depose.

Is the ordination of a minister valid which has been procured by forgery and unwarrantable means?

Confining the answer of the Assembly to this case as verbally explained, this question is answered in the affirmative, but that the Presbytery should in such case proceed immediately to depose him.—1843, p. 198, O. S.

7. Presbyteries only are competent to ordain ministers.

Overture from the Synod of Western New York, asking if an evangelist, laboring in a foreign field, where Gospel institutions have not been established, is authorized to establish them by organizing churches and ordaining ministers, until there shall be a sufficient number of ministers to form a Presbytery. Your Committee recommend the adoption of the following answer: It is the judgment of the Assembly, without expressing any opinion as to whether there should be a constitutional provision to meet extraordinary cases in the foreign field, that, under the existing law of the Church, Presbyteries only are competent to ordain ministers; and the Assembly also judges that churches organized in foreign missionary fields, where no Presbytery exists, may, with the consent of the Synod, be enrolled by the Presbytery to which the missionary on the field belongs. Adopted.—1882, pp. 96, 97.

[NOTE.—See also above, p. 192, Sec. 2, *b*.]

8. If one who has been deposed, or who has demitted the ministry, is restored, he must be reordained.

Overture from the Presbytery of Schuyler, as follows.:

Is reordination necessary in the restoration of a deposed minister to the sacred office? And in view of the provisions of the Revised Book of Discipline, will reordination be necessary in the restoration to the ministry of those by whom the office has been demitted?

The Committee recommend the following answer:

It is the judgment of this General Assembly that when a minister is deposed his office is taken from him, he becomes a layman, and, according to the new Book of Discipline, Sec. xliv, he is to be enrolled as a communicant in a particular church. Should he be recalled to the ministry, therefore, he should be reordained.

The same course ought to be adopted in the restoration of one who has demitted the ministry; inasmuch as the Book of Discipline, Sec. li, describes one who has demitted the sacred office as returning "to the condition of a private member of the Church." Adopted.—1884, p. 115.

[NOTE.—See Book of Discipline, Chap. vi, Secs. xliv and li.]

9. Rule in respect to receiving a minister from another denomination.

a. The consideration of the report of the Committee to which had been referred the question of validity of ordination in the case of a Baptist elder was resumed, and the report being read was adopted, and is as follows, viz.:

It is not among the principles or usages of the Presbyterian Church to consider the ordination of ministers by other Protestant churches as invalid; on the contrary, the Presbyterian Church has always considered the ordinations of most other Protestant churches as valid in themselves, and not to be repeated when those who have received them become members of the Presbyterian Church. Nor is it perceived that there is any sufficient reason why the ordinations in the Baptist Church should not be considered as valid, and be sustained as such.

But while the Presbyterian Church can act as has now been stated in regard to ordinations, it is among those principles and usages which she regards as most sacred and important, to secure for her churches both a pious and a learned ministry, and she cannot admit of any usage or exercise any apparent liberality inconsistent with security in this essential

particular. On the whole, therefore, the Committee recommend the following resolution:

Resolved, That when applications are made by ministers of the Baptist or any other Protestant denomination to be connected with the Presbyterian Church, the Presbytery to which the applications are made shall require all the qualifications both in regard to piety and learning which are required of candidates for licensure or ordination of those who have originally belonged to the Presbyterian Church; and shall require the applicants from other denominations to continue their study and preparation till they are found on trial and examination to be qualified in learning and ability to teach in the manner required by our Standards; but that when found to be thus qualified, it shall not be necessary to reordain the said applicants, but only to install them when they are called to settle in Presbyterian congregations.—1821, p. 23.

b. Overture.—A request of the Rev. J. G. Monfort that the Assembly answer the following question: "Is it the duty of Presbyteries, when elders or deacons from the Methodist Episcopal Church apply to become ministers in our Church, to recognize their ordination as sufficient, or to ordain them as in the case of other candidates?"

The Committee recommended that the overture be answered by a reference to the action on the subject, of the General Assembly of 1821. The report was adopted.—1852, p. 210, O. S.

10. The reasons for receiving an ordained minister from another denomination to be recorded.

The Committee of Overtures brought in the following resolution, which, having been read and amended, was adopted, and is as follows, viz.:

Resolved, That in the opinion of this Assembly the decisions of the General Assembly in 1792, and referred to by the Assembly of 1800, respecting the reordination of ministers regularly ordained in the Methodist Episcopal Church, and desiring to connect themselves with the Presbyterian Church in the United States of America, however expedient at the time of its formation, ought not to be considered as a precedent to guide the future decisions of the judicatories of this Church; and that the Presbyteries under the care of this Assembly, when they receive into their connection an ordained minister from any other denomination, be careful to record the circumstances of the case and the reasons which induced them to receive such ordained minister.—1810, p. 441.

11. Leave to ordain refused where there is no Presbytery.

Overture, a memorial from the Presbytery of New York, referring to this Assembly the following case: Application was made to the Presbytery of New York in April to receive by letter from the Presbytery of Cincinnati, the Rev. John Beveridge, now a resident of Northern Mexico, and to authorize the Rev. Andrew J. Park, now a member of the Presbytery of New York, and residing in Northern Mexico, and the Rev. John Beveridge, when received by the Presbytery, to ordain to the work of the ministry, if the way be clear on examination, Mr. Brigide Sepulveda, a converted Roman Catholic priest.

The Committee recommend the following answer:

Resolved, That inasmuch as there is no Presbytery, and not a sufficient number of ministers of whom to form a Presbytery, in Northern

Mexico, such request be not granted. In consideration, however, of the urgency and peculiarity of the case, the Board of Foreign Missions are hereby instructed to defray the expenses of Mr. Sepulveda's journey to and from New York for his ordination by the Presbytery of New York, if the way be clear.—1871, p. 592.

12. Reception of foreign ministers. The rule.

[NOTE.—The original rule on this subject may be found in the Minutes for 1735, p. 118. Action was also taken in 1773, p. 448, and 1774, p. 455. In 1784 the matter forced itself anew upon the Synod, and particular care was enjoined upon all its members, 1784, p. 504. See also Baird's Collection, revised edition, pp. 254, 257. In 1798, p. 148, the Assembly adopted "regulations intended to embrace and extend the existing rules." In 1800 these regulations were modified and amended, and constitute the present rule, viz.:]

I. When any minister or licentiate from Europe shall come into this country, and desire to become connected with the Presbyterian Church in the United States, he may apply to any Committee appointed to direct the services of traveling ministers and candidates; which Committee shall inspect his credentials, and, by examination or otherwise, endeavor to ascertain his soundness in the faith and experimental acquaintance with religion; his attainments in divinity and literature; his moral and religious character, and approbation of our public standards of doctrine and discipline. If the result shall be such as to encourage further trial, said Committee may give him appointments to supply and recommend him to the churches till the next meeting of the Presbytery to which such Committee belongs. It shall then become the duty of such minister or licentiate to apply to that Presbytery, or to any other in whose bounds he may incline to labor; provided always that he make his application to the Presbytery at their first meeting after his coming within their bounds; and also that, immediately on coming within the bounds of any Presbytery, he apply to their Committee to judge of his certificate of approbation, and, if they think it expedient, to make him appointments; or, if it shall be more convenient, the application may be made to the Presbytery in the first instance; but it shall be deemed irregular for any foreign minister or licentiate to preach in any vacant church till he have obtained the approbation of some Presbytery or Committee of Presbytery, in manner aforesaid.

The Presbytery to which such minister or licentiate may apply, shall carefully examine his credentials, and not sustain a mere certificate of good standing, unless corroborated by such private letters, or other collateral testimony, as shall fully satisfy them as to the authenticity and sufficiency of his testimonials. After inspecting any evidences of his literary acquirements which may be laid before them, the Presbytery shall enter into a free conversation with him, in order to discover his soundness in the faith and experimental acquaintance with religion. If they shall obtain satisfaction on these several articles, they shall proceed to examine him on the learned languages, the arts, sciences, theology, church history and government; nor shall they receive him, unless he shall appear to have made such attainments in these several branches as are required of those who receive their education or pass their trials among ourselves. But if, upon the whole, he appears to be a person worthy of encouragement, and who promises usefulness in the Church, they shall receive him as a minister or candidate on probation, he first adopting our Standards of doctrine and discipline, and promising subjection to the Presbytery in the Lord. During this state of probation he

may preach the Gospel where regularly called, either as a stated or occasional supply; and if an ordained minister, perform every part of the ministerial functions, except that he may not vote in any judicatory or accept a call for settlement.

If the foreigner who shall apply to any Presbytery or Committee, as aforesaid, be an ordained minister, such Committee and Presbytery may, at their discretion, dispense with the special examination on literature in this act prescribed, provided he shall exhibit satisfactory evidence that he has received such education, and made such progress in languages, arts, and sciences, as are required by the Constitution of our Church as qualifications for the Gospel ministry. But in all other respects, the examination shall be the same as in the case of a licentiate.

If from prospects of settlement, or greater usefulness, a minister or licentiate under probation in any Presbytery, shall wish to move into the bounds of another, he shall receive a dismission, containing a certificate of his standing and character, from the Presbytery under whose care he shall have been; which certificate shall entitle him to the same standing in the Presbytery into whose bounds he shall come, except that from the time of his coming under the care of this latter Presbytery, a whole year shall elapse before they come to a final judgment respecting his reception.

When any foreign minister or licentiate, received on certificate, or pursuant to trials in any Presbytery, shall have resided generally and preached within their bounds and under their direction, for at least one year, they shall cause him to preach before them (if they judge it expedient), and taking into consideration, as well the evidence derived from their former trials as that which may arise from his acceptance in the churches, his prudence, gravity, and godly conversation, and from the combined evidence of the whole, determine either to receive him, to reject him, or to hold him under further probation. In case of receiving him at that, or any subsequent period, the Presbytery shall report the same to their Synod at its next meeting, together with all the certificates and other testimony on which they received him; or, if it shall be more convenient, this report may be made to the General Assembly. The said Assembly or Synod, as the case may be, shall then inquire into the proceedings of the Presbytery in the affair, and if they find them to have been irregular or deficient, they shall recommit them to the Presbytery, in order to a more regular and perfect process. But if the proceedings had in the Presbytery appear to have been conformable to this regulation, they shall carefully examine all the papers laid before them by the Presbytery, or which shall be exhibited by the party concerned, and, considering their credibility and sufficiency, come to a final judgment, either to receive him into the Presbyterian body, agreeably to his standing, or to reject him.

In order, however, to facilitate the settlement of foreign ministers as soon as may consist with the purity and order of the Church, it is further ordained, that if the proper Synod or the General Assembly are not to meet within three months after that meeting of a Presbytery at which a foreign minister on probation is expected to be received, the Presbytery may, if they see cause, lay his testimonials before the meeting of the Assembly or Synod which shall be held next before said meeting of the Presbytery. If this Assembly or Synod shall approve the testimonials, they shall give the Presbytery such information and direction as the case may require, and remit the same to them for final issue. In all

other cases, it shall be deemed irregular for any Synod or General Assembly to receive a foreign minister or licentiate, until he shall have passed his period of probation, and been received and reported by some Presbytery, in manner aforesaid.

No minister or licentiate, after being rejected by one Presbytery, shall be received by another, or if received through mistake or otherwise, he shall be no longer countenanced or employed, after the imposition is discovered. If, however, any minister or licentiate shall think himself aggrieved by the sentence of any Presbytery, he shall have a right to carry the matter by complaint to the proper Synod, or to the next General Assembly, giving notice thereof to the Presbytery during the meeting at which the sentence was pronounced, or at the meeting next following.

These regulations and provisions relative to the reception of foreign ministers and licentiates are to be considered as coming in place of all that have heretofore been established on this subject; and all judicatories and individuals under the care of the Assembly are to regard them accordingly.—1800, pp. 200–202.

13. The rule enforced.

a. The Committee appointed to examine the records of the Synod of Albany recommend that they be approved, "excepting the case of receiving a foreign licentiate, by the Presbytery of St. Lawrence, without laying their proceedings in the case before the Synod or General Assembly."—1822, p. 38.

b. Papers touching the reception of the Rev. William Windle, a foreign minister, to the Presbytery of Philadelphia.

These were remitted to that Presbytery, inasmuch as no record of its proceedings in the case had been placed in the hands of the Committee, by which they might ascertain how far the Presbytery has complied with the order of the Assembly, in such cases made and provided.—1852, p. 221, O. S.

c. Overture was taken up, viz.: An application from the Presbytery of Watertown, for leave to receive Mr. William Lockhead, a foreign licentiate, who, after being under the care of the Presbytery of Champlain for five months, had been dismissed to the Presbytery of Watertown, and had been under the care of the latter Presbytery since the 9th of February last. The Presbytery of Watertown requests that the Assembly will allow them to take into the account, for the term of trial, the time which Mr. Lockhead spent on trials in the Presbytery of Champlain. On this request the Assembly resolved, that the standing rule which requires that the foreign licentiate must spend a year in the Presbytery to which he is dismissed, be not dispensed with.—1830, p. 299.

[Note.—See a similar case, 1858, p. 273, O. S.]

14. Rule applies to minister seeking to be restored.

A reference from the Presbytery of St. Clairsville, of the case of the Rev. Samuel Boyd, who having retired in good standing from the Presbyterian ministry in Ireland in 1842, on account of a change in his views of Infant Baptism, now seeks a restoration to the exercise of the ministry among us, inasmuch as he adopts again, with full conviction, the whole Confession of our faith.

The Committee recommended that the Presbytery of St. Clairsville be

instructed to proceed according to the rule relating to foreign ministers, the probation of one year commencing at the time of their next stated meeting. The recommendation was adopted.—1849, p. 239, O. S.

15. Privilege lost by a return to Europe.

An application from the Presbytery of Philadelphia for advice and direction in the case of Rev. James T. Irvine. Mr. Irvine, after having been regularly received, returned to Ireland, and was installed there. Afterwards returning to America, the Presbytery asked, "Does Mr. Irvine come under the denomination of a foreign minister?" subject to the rule as to probation.

The Assembly replied that he did.—1848, p. 22, O. S.

16. Rule repealed as to ministers from the Presbyterian Churches of Great Britain.

Overture on receiving ministers from foreign countries. The Committee recommend the adoption of the following:

Inasmuch as intercourse between the Presbyterian Churches of Great Britain and our General Assembly is now much more frequent and intimate than in former years, affording the opportunity for mutual acquaintance, and knowledge of the character and standing of the ministers in the different Churches of both countries; therefore,

Resolved, That the regulation requiring ministers coming among us from the Presbyterian Churches of Great Britain, to submit to a year's probation before maintaining ministerial standing, is no longer necessary, and is hereby repealed. Adopted.—1872, p. 70.

17. The rule repealed as to the Presbyterian Churches of Canada.

Overture from the Presbytery of Dayton, asking, "That, inasmuch as the intercourse between the Presbyterian Church of Canada and our General Assembly is now very direct and intimate, affording us facilities for knowing the character and standing of that Church, such action be taken by this Assembly as will dispense with the year's probation now required of ministers coming to us from that border province."

Your Committee recommend the following answer: Inasmuch as the rule requiring such probation has been repealed as to ministers from the Presbyterian Churches of Great Britain (see Moore's *Digest*, 1886, p. 159), that said rule be repealed so far as it relates to ministers coming from the Presbyterian Churches of Canada. Adopted.—1883, p. 625.

[NOTE.—The rule is enforced as to all other foreign Churches. See *Digest* of 1886, p. 493; *Minutes* of 1875, p. 506; 1876, p. 80; 1883, p. 626; 1888, p. 111; 1894, p. 88; 1895, p. 75; 1896, p. 146.]

18. The rule waived in the case of ministers from Presbyteries in correspondence with the Assembly.

[NOTE.—See *Digest*, 1886, p. 159; *Minutes*, 1869, p. 281, N. S.]

IV. TO INSTALL MINISTERS.

1. The cognizance of settling pastors belongs to Presbytery.

That it belongs to the Presbyteries to take cognizance of the proceedings of Sessions and congregations in the important concern of settling pastors, and to adopt the most effectual measures on the one hand to prevent all undue delay by the Session, or the people, and on the other, to prevent all precipitancy in the settlement of any minister, or the adoption

of any system of proceedings in the congregation inconsistent with the real and permanent edification of the people.—1814, p. 560.

2. The Presbytery may refuse to install even where parties are agreed.

When a congregation and minister agree on the amount of salary to be paid and received, and both parties being fully satisfied, request the pastoral relation to be constituted according to the order of the Presbyterian Church, has Presbytery the right to refuse to install, because, in their judgment, the salary is insufficient?

Answered in the affirmative.—1855, p. 272, O. S.; 1875, p. 510, confirms.

[NOTE.—See under Form of Government, Chap. XV.]

3. The Presbytery may refuse to install at its discretion.

[Where an appeal was brought against a refusal to put a call into the hands of the appellant, it was held:]

That as the General Assembly has repeatedly decided that the Presbyteries have discretionary power in such cases (*Digest*, 1886, p. 694), which decisions are clearly in accordance with the Form of Government (Chap. xv, Sec. ix), the appeal should be dismissed.—1875, p. 510.

[NOTE.—See below, Chap. xv, Sec. ix.]

V. TO REMOVE MINISTERS.

1. The Presbytery has power to dissolve a pastoral relation at its own discretion.

a. Overture No. 22, from the Synod of Illinois, asking the following question, viz.:

Has a Presbytery the constitutional power to dissolve the pastoral relation against the remonstrance of the pastor and a majority of the church, when a large and influential minority of the church request it, by petition, and in the judgment of Presbytery the interests of religion in that congregation require it?

Your Committee beg leave to recommend the following answer, viz.:

The General Assembly think that the Presbytery has the constitutional power to dissolve the pastoral relation, according to Chap. x, Sec. viii, and Chap. xvii of our Book; but that great regard ought to be had to expediency in all such cases.

Adopted.—1860, p. 39, O. S.

b. To the same question the next year the Assembly answers by referring to the above, with the caution, "That such power should in all cases be exercised with the greatest caution and discretion, and the reasons for such action should be always fully recorded."—1861, p. 306, O. S.

2. A Synod, on appeal, directs the dissolution of the pastoral relation, and is sustained.

Your Commission had this case several days before them, and bestowed upon it careful consideration; and have unanimously determined to report to the Assembly that the sense of this Commission is, that the interests of the church of Hopewell require the dissolution of the pastoral relation, and that they agree with the decision of Synod, and they recommend the following minute:

This Assembly recognizes the right of each congregation to decide whether a pastor is acceptable to them, and the wishes of a majority are to be set aside only for weighty reasons; yet such a state of things may exist between the pastor and a portion of his people, as shall require, for the fair name of religion, that the relation be dissolved. And for this reason the appeal and complaint of Joseph Connell against the Synod of Pittsburgh is not sustained.—1868, p. 649, O. S.

[Note.—See the case in full below, Chap. xvii.]

3. A pastor may not be dismissed to a body other than that to which his church belongs.

The Committee report Overture No. 2: "Is a member of Presbytery, desirous of withdrawing connection with our Church to *a foreign body at a distance*, entitled to a letter of dismission and recommendation on *demand*, while occupying the position of pastor of one of our churches?"

The Committee report, that he is not thus entitled.

The report was adopted.—1861, p. 471, N. S.

4. To dismiss by a committee is unconstitutional.

a. The report of the Committee on the reference from the Presbytery of Cayuga relative to the constitutionality of a rule of that body which had been laid on the table, was taken up. The rule of the Presbytery of Cayuga referred to the Assembly is as follows, viz.: The Moderator for the time being and the Stated Clerk, *ex-officio*, were appointed a Committee to grant letters of dismission to ministers without charge, and to licentiates and candidates under the care of this Presbytery, to unite with other Presbyteries, and were directed to report at each stated meeting.

In relation to this rule the following resolution, reported by the Committee, was adopted, viz.:

Resolved, That the rule hitherto acted upon by the Presbytery of Cayuga is inexpedient and unconstitutional.—1830, p. 302.

b. Also Overture No. 16, from the Presbyteries of Steubenville and Washington, asking whether it is competent and constitutional for a Presbytery to appoint a Committee to dismiss unsettled ministers, licentiates and candidates without a call for the body to assemble. This question has already been decided by the General Assembly in the negative. (See *Minutes* of the General Assembly for 1830, p. 302.)

The report was adopted.—1865, p. 569, O. S.

5. Presbytery may not authorize its clerk to grant letters of dismission during the intervals of its sessions.

The same Committee further reported as follows: May a Presbytery authorize its Stated Clerk during the intervals of its sessions to grant, at their own request, letters certifying the regular standing and dismission of its members to join other ecclesiastical bodies in connection, or correspondence with the General Assembly? Answered in the negative.—1865, p. 12, N. S.

VI. TO JUDGE MINISTERS.

1. The Presbytery alone must judge of the fitness of its members.

Your Committee doubted the correctness of the order given by the Synod to the Presbytery of Geneva, to reconsider their proceedings on the subject of the admission of the Rev. Shipley Wells, a constituent

member of that Presbytery, which order, though it be not appealed from, appears to have given rise to the protest in question.

The Synod of Geneva were beyond doubt, in the opinion of your Committee, competent to censure the Presbytery of Geneva for admitting hastily, and on slight evidence, into their body, an unworthy or even a suspicious character. But it is, in the opinion of your Committee, equally clear, that the right of deciding on the fitness of admitting Mr. Wells, a constituent member of the Presbytery of Geneva, belonged to the Presbytery itself; and that having admitted him, no matter how improvidently, their decision was valid and final. The individual admitted became a member in full standing; nor could the Presbytery, though it should reconsider, reverse its own decision, or in any way sever the member so admitted from their body, except by a regular process. Adopted.—1816, p. 612.

2. The Presbytery has discretion in receiving members.

[NOTE.—See case of Rev. H. E. Mott, received and enrolled by the Presbytery of Dubuque. Complaint *vs.* the Synod of Iowa.]

The Assembly fail to discover anything that would indicate that the Presbytery of Dubuque has taken any action not justified by its exercise of constitutional discretion in the management of affairs within its own bounds.—1889, p. 92.

3. A Presbytery may reject an applicant.

A complaint and appeal of Rev. Thomas Ledlie Birch against certain proceedings of the Presbytery of Ohio in the case of Mr. Birch, particularly for refusing to receive him as a member of their body, on the ground of a supposed want of acquaintance with experimental religion, together with a representation of the congregation of Washington, in the bounds of the said Presbytery, on the subject, was brought in by the Committee on Bills and Overtures.

Subsequently *Resolved*, That no evidence of censurable procedure in the Presbytery of Ohio, in the case of Mr. Birch, has appeared to this house, inasmuch as there is a discretionary power necessarily lodged in every Presbytery to judge of the qualifications of those whom they receive, especially with respect to experimental religion.—1801, pp. 213, 218.

4. But not without sufficient reasons.

a. A complaint was brought in by the Rev. George Duffield against the Second Philadelphia Presbytery, that they had, by one of their members, obstructed his entrance into a church in this city under their care, to which he had accepted a call, and had also refused to receive him as a member, although he was dismissed from, and recommended by, the Presbytery of Donegal, which was read.

After having maturely considered this matter, the Synod judge that Mr. Duffield has just cause for complaint against the conduct and judgment of the Second Philadelphia Presbytery, who ought to have admitted him to membership with them, and allowed him a fair trial; wherefore we now declare him to be minister of the Pine Street or Third Presbyterian congregation in this city, and order that he be put upon the list of the aforesaid Presbytery.—1773, p. 446.

b. *Resolved*, That the appeal of the Presbytery of Abingdon from the decision of the Synod of Virginia, in the case of the Rev. Robert

Glenn, be dismissed, on the ground that the substantial cause of appeal has been removed by the act of that Presbytery, in their receiving Mr. Glenn, in conformity with the decision of the Synod. The appeal was accordingly dismissed.—1822, p. 55.

5. Rule as to a member of an extinct Presbytery, charged with an offence.

The Committee appointed to consider the overture sent up by the Presbytery of Baltimore respecting the course proper to be pursued by a Presbytery when a minister with a certificate of good standing from a Presbytery which has no longer any existence applies for admission, but is supposed to be chargeable with some offence subsequently to the date of that certificate, made the following report, which was adopted, viz.:

That after the most attentive consideration of the question presented in said overture, it appears to them that the proper answer is embraced in the following particulars, viz.:

1. It is well known that the Book of Discipline of our Church expressly provides that when a minister shall be dismissed by one Presbytery with a view to his joining another, he shall always be considered as remaining under the jurisdiction of the Presbytery which dismissed him until he actually becomes a member of another. In the case stated in the overture, however, as the dismissing Presbytery had become extinct, it was physically impossible to act according to the letter of this rule. In these circumstances every principle of sound interpretation seems to direct that in ordinary cases the Presbytery into which admission is sought should receive the applicant, and if he be charged with any offence, conduct the process against him.

2. Nevertheless, it is the privilege of every Presbytery to judge of the character and situation of those who apply to be admitted into their own body, and unless they are satisfied, to decline receiving the same. A Presbytery, it is true, may make an improper use of this privilege, in which case the rejected applicant may appeal to the Synod or the General Assembly.

3. When any minister dismissed in good standing by an extinct Presbytery is charged with an offence subsequently to the date of his dismission, the Presbytery to which he applies for admission not only may, if they see cause, decline receiving him, but if their own situation be such, that there is no prospect of their being able to conduct process against him in an impartial and efficient manner, ought to decline admitting him into their body.

4. In this case ministers dismissed by an extinct Presbytery and not received into any other are to be considered as under the direction of their proper Synod, and ought to be disposed of as the Synod may order. —1825, pp. 146, 147.

[Note.—See Book of Discipline, Chap. xi, Sec. cxiii.]

6. How ministers and licentiates from corresponding bodies are to be received.

The Committee appointed by the General Assembly of 1829, to consider and report to the Assembly of 1830 on the manner in which ministers and licentiates are to be received into any of our Presbyteries from ecclesiastical bodies in the United States which correspond with this General Assembly, made the following report, which was adopted, viz.:

That in their judgment every licentiate coming by certificate to any Presbytery in connection with the General Assembly from any portion of a corresponding ecclesiastical body, should be required to answer in the affirmative the constitutional questions directed by Chap. xiv of our Form of Government, to be put to our own candidates before they are licensed; and that in like manner every ordained minister of the Gospel, coming from any Church in correspondence with the General Assembly by certificate of dismission and recommendation, should be required to answer affirmatively the first seven questions directed by Chap. xv of our Form of Government to be put to one of our own licentiates when about to be ordained to the sacred office.

The course which is thus recommended by the Committee they believe has been generally practiced by our Presbyteries, and the impropriety of admitting strangers into our connection on other terms than our own licentiates and ministers is too obvious to require remark. It is the assent of licentiates and ministers to these questions which brings them under the watch and care of the Presbyteries which receive them, and without which they ought not to enjoy the privileges of preachers of the Gospel in our ecclesiastical connection.—1830, p. 287.

7. Ministers dismissed in good standing should be received on their testimonials.

Resolved, That a due regard to the order of the Church and the bonds of brotherhood require, in the opinion of this Assembly, that ministers dismissed in good standing by sister Presbyteries should be received by the Presbyteries which they are dismissed to join, upon the credit of their constitutional testimonials, unless they have forfeited their good standing subsequently to their dismissal.—1834, p. 440.

[Note.—See next below.]

8. The right of Presbytery to satisfy itself.

a. *Resolved*, That in the judgment of this General Assembly, it is the right of every Presbytery to be entirely satisfied of the soundness in the faith, and the good character in every respect, of those ministers who apply to be admitted into the Presbytery as members, and who bring testimonials of good standing from sister Presbyteries, or from foreign bodies with whom the Presbyterian Church is in correspondence. And if there be any reasonable doubt respecting the proper qualifications of such candidates, notwithstanding their testimonials, it is the right and may be the duty of such a Presbytery to examine them, or to take such other methods of being satisfied in regard to their suitable character as may be judged proper, and if such satisfaction be not obtained, to decline receiving them. In such case it shall be the duty of the Presbytery rejecting the applicant to make known what it has done, to the Presbytery from which he came, with its reasons, it being always understood that each Presbytery is in this concern, as in all others, responsible for its acts to the higher judicatories.—1835, p. 485.

Note.—As matters of information, the following deliverances are inserted.]

b. This Assembly do now render it imperative on the Presbyteries to examine all who make application for admission to their bodies at least on experimental religion, didactic and polemic theology and church government.—1837, p. 579.

c. *Whereas*, It is the inherent right of Presbyteries to expound and apply constitutional rules touching the qualifications of their own members, therefore,

Resolved, That the action of the last Assembly making it imperative on the Presbyteries to examine all who make application to their bodies, not excepting ministers coming from other Presbyteries, is null and void.—1838, p. 660, N. S.

9. The right of Presbytery to examine ministers applying for admission recognized by both Assemblies.

It is agreed that the Presbyteries possess the right to examine ministers applying for admission from other Presbyteries: but each Presbytery shall be left free to decide for itself when it will exercise the right.—1868, p. 629, O. S.; 1868, p. 32, N. S.

10. Examination of a minister bringing a letter from another Presbytery discretionary.

When a minister brings a certificate of dismission in good and regular standing, and a recommendation from one Presbytery to another, has the Presbytery to which he comes a right to require him to submit to an examination before receiving him? Recommended that the matter be left to the Presbyteries, as the rightful judges of the qualifications of their own members. Adopted.—1880, p. 56.

11. A Presbytery may not give a qualified dismission nor receive a minister except on a letter of dismission. Where reception is void, the name should be stricken from the roll.

Can a Presbytery, under any circumstances, rescind its action in the reception of a member? The Committee recommends the following answer:

It appears in the case referred to in this overture that a minister, having taken a qualified letter of dismission from his Presbytery, was received by the Presbytery to which he was dismissed upon other testimonials.

It is the opinion of this Assembly,

1. That no Presbytery has the right to grant qualified letters of dismission to any of its members.

2. That no Presbytery can receive a minister except upon a letter of dismission from the Presbytery to which he belongs (Discipline, Sec. cxv).

3. That the action of the Presbytery in the case referred to, in receiving said minister, being void, the proper course would have been to strike his name from the roll, and notify the Presbytery to which he belonged of his irregularity.

The report was adopted.—1869, p. 922, O. S.

12. Ministers from other denominations to be carefully examined in theology.

a. *Resolved*, That the Presbyteries be enjoined, when dealing with applications from ministers of other denominations for admission into our Church, to demand of such applicants evidence of having had a course of collegiate and theological instruction equivalent to that demanded in the case of candidates for the ministry under the care of our Presby-

teries; and that such applicants shall be subject to a particular and careful examination in theology.—1880, p. 85.

b. As to ministers "from other denominations," the General Assembly having had no care or supervision of their theological instruction, requires an examination as to their change, and reasons therefor, of conviction in doctrinal belief and in the Form of Church Government, and of their approval of and sincere acceptance of the Standards of the Church.—1896, p. 161.

13. A Presbytery may not restore a minister deposed by another.

Also, a memorial of the Rev. George D. Stewart and others, that the General Assembly would take action and give relief in the case of Rev. Michael Hummer, who, having been deposed by the Presbytery of Iowa, had been restored by the Presbytery of Highland, against the remonstrance of the Presbytery of Iowa, just as if he was an independent minister.

It is recommended that this General Assembly declare that it is irregular and unconstitutional for any Presbytery to receive and restore a member of another Presbytery who has been deposed; and therefore the action of the Presbytery of Highland in restoring Mr. Hummer was improper; and the Presbytery of Highland is directed to reconsider its action, and proceed according to the requirements of the Constitution.

The report was adopted.—1862, p. 608, O. S.; confirmed, 1883, p. 628.

14. A minister who has withdrawn can be restored only by the Presbytery from which he withdrew.

Mr. David Austin, who had been formerly a member of the Presbytery of New York, and had withdrawn from the Presbytery and the Presbyterian Church, appeared before the Assembly and renewed his request of last year to be again received into ministerial communion and regular standing in the Presbyterian Church. Mr. Austin, having been fully heard in support of his petition, withdrew; when the Assembly, after maturely considering the case,

Resolved, That as it would be disorderly for this Assembly to restore Mr. Austin to his standing in the Presbyterian Church in the form in which it is sought by him, inasmuch as he withdrew from the Presbytery of New York, against whom he makes no complaint, and to whom, of course, he ought to apply, so this Assembly, in the course of the discussion had on the subject of Mr. Austin's application, have had before them sufficient evidence that it is inexpedient at present to recommend his reception by any judicature of this Church. Yet the Assembly are willing to hope that the time may come when the restoration of Mr. Austin to his former standing may take place to his own satisfaction and the edification of the Church.—1802, p. 238.

15. The name of a suspended minister is to remain upon the roll.

a. The records of the Synod of Northern Indiana approved except that on page 54, the Synod censure the Presbytery of Michigan for retaining the name of Mr. Nicoll on the roll after suspending him from the Gospel ministry. Your Committee are of the opinion that the name of a suspended minister should be retained on the roll of Presbytery till they proceed to the higher censure, though he be deprived of the exercise of his ministerial functions.

The report was adopted.—1847, p. 398, O. S.; confirmed, 1882, p. 96.

b. Overture from the Presbytery of Redstone, asking if it is proper to remove the name of a suspended member of the Presbytery from its roll, and place it in a private register. Your Committee recommend that this overture be answered in the negative (*Digest*, 1886, p. 160, Sec. 39).—1882, p. 96.

16. Deposition does not necessarily infer also excommunication. When both are intended, it should be so expressed.

a. The Committee to which was referred the consideration of a report made by the Committee which had been appointed to examine the records of the Synod of Geneva reported, and their report being read, was adopted, and is as follows, viz.: That the records of the Synod be approved to page 45, with the exception of a resolution on page 28, which declares that a deposed minister ought to be treated as an excommunicated person. In the judgment of this Assembly, the deposition and excommunication of a minister are distinct things, not necessarily connected with each other, but when connected ought to be inflicted by the Presbytery to whom the power of judging and censuring ministers properly belongs.—1814, p. 549.

b. Overture No. 20. A question submitted by John Warnock of Alabama, "Does deposition from the ministry exclude from church privileges?" The Committee recommended the following resolution, which was adopted, viz.:

Resolved, That though the causes which provoke deposition are almost always such as to involve the propriety of exclusion from the sacraments, yet the two sentences are not essentially the same, the one having reference to office and the other to the rights of membership, and, therefore, Presbyteries should be explicit in stating both when they mean both. When, however, a Presbytery interpret deposition to involve suspension from the sacraments, and pronounce the censure in that sense, the sentence obviously includes both.—1848, p. 34, O. S.

[NOTE.—See Book of Discipline, Chap. v, Sec. xxxiv, and Chap. vi, Sec. xl.]

17. The name of a deposed minister to be published in case he does not cease from ministerial functions.

Resolved, That it be recommended to the Presbyteries under the care of the General Assembly when they shall depose any of their members from the exercise of the ministerial office, and when any person so deposed shall, without having been regularly restored, assume the ministerial character, or attempt to exercise any of the ministerial functions, that in such case, with a view to prevent such deposed person from imposing himself on the churches, Presbyteries be careful to have his name published in the Assembly's magazine as deposed from the ministry, that all the churches may be enabled to guard themselves against such dangerous impositions.—1806, p. 360.

VII. MISCELLANEOUS QUESTIONS PERTAINING TO MINISTERS AND CHURCHES.

1. Ministers who neglect their duty to be summoned to answer.

Inasmuch as Mr. Stevenson has from time to time, and for years past, neglected attending on our judicatures, and also omitted his ministry without giving us any reasons for his said conduct, it is therefore agreed

that his name shall be struck out of our records till he come before us and give an account of his proceedings.—1741, p. 156.

2. If persistent to be regularly excluded or deposed.

That if any minister of the Gospel, through a worldly spirit, a disrelish for the duties of his office, or any other criminal motive, become negligent or careless, he is by no means to be suffered to pursue this course so as at length to be permitted to lay aside the ministry without censure, because this would be to encourage a disregard of the most solemn obligations by opening a way to escape from them with impunity.

But in all such cases Presbyteries are seasonably to use the means and pursue the methods pointed out in the Word of God and the rules of this Church to recall their offending brother to a sense of duty; and if all their endeavors be ineffectual, they are at length regularly to exclude or depose him from his office.

If any cases or questions relative to this subject arise in Presbyteries which are not contemplated by the provisions of this rule, such cases or questions should be referred to the General Assembly for a special decision.—1802, p. 259.

3. Presbyteries to inspect the fidelity of their members.

The constitutional remedy for these evils is in the hands of the Presbytery, to whom it belongs to ordain, install, remove and *judge* ministers (see Form of Government, Chap. x, Sec. viii); and whose duty it is to inspect the fidelity of those whom they have solemnly set apart to the work of the ministry by the imposition of hands.—1834, p. 450.

4. Reasons for withdrawal to be required and recorded.

That when ministers have withdrawn, or may hereafter withdraw, from the work of the ministry, wholly or in part, it be enjoined upon the Presbyteries to which they belong to require of such ministers their reasons for so doing, which reasons are to be put upon record by the Presbytery, with an expression of their approbation or disapprobation of the same.—1834, p. 450.

5. Compliance with the rule of 1834 enforced.

1. That the attention of the Synods be called to the rule adopted by the General Assembly of 1834. (*Minutes*, p. 450).

2. That the Synods be required at their next regular meeting to obtain replies from their several Presbyteries to the two following questions, namely:

(1) Whether the above-recited rule of the Assembly of 1834 has been observed by the Presbytery.

(2) Whether proper discipline has been exercised, in cases where the reasons for withdrawal from ministerial duty have been disapproved by the Presbytery; and also in cases of habitual absence from the meetings of the Presbytery without the rendering of sufficient excuse.

The report was adopted.—1869, p. 263, N. S.

6. Ministers engaged in secular callings.

From the Presbytery of Elizabethtown, asking the Assembly, "for the relief of our minutes, our ecclesiastical courts, and our ministerial name, to define whether a minister who turns aside from his calling, not from bad health or moral delinquency, to some secular employment.

should demit the sacred office, or be denied the full immunities of the Presbytery."

Resolved, 1. That the former deliverances of the Assembly on that subject, to wit, in the years 1802, 1834 and 1839 are sufficient.

Resolved, 2. That the Presbyteries be enjoined to execute the rule of the Assembly of 1834, as to any members "who have withdrawn in whole or in part, without justifiable cause, from the work of the ministry."—1869, pp. 935, 936, O. S.

[NOTE.—See Book of Discipline, Chap. vii, Sec. liii.]

7. When providentially incapacitated ministerial privileges remain.

Resolved, That it is a principle of this Church that no minister of the Gospel can be regularly divested of his office, except by a course of discipline, terminating in his deposition; that if any minister, by providential circumstances, become incapable of exercising his ministerial functions, or is called to suspend them, or to exercise them only occasionally, he is still to be considered as possessing the ministerial character and privileges; and his brethren of the Presbytery are to inspect his conduct; and while they treat him with all due tenderness and sympathy, they are to be careful that he do not neglect ministerial duty beyond what his circumstances render unavoidable.—1802, p. 258.

8. Ministers without charge are constituent members of Presbytery.

[NOTE.—See under Form of Government, Chap. x, Sec. ii.]

9. All ministers are of equal power and privilege.

In reply to an overture in relation to the right of ministers, not engaged in the ministerial work, to sit in church courts, the Assembly answers:

According to the Constitution of our Church, ministers, as such, whether with or without charge, are of equal power and privilege. If the defection of any minister from the duties implied in his ordination vows is serious enough to disfranchise him, it is sufficiently serious to call for the orderly exercise of discipline. The remedy, therefore, for the evil complained of lies with the Presbyteries, and cannot be reached by any action of the Assembly. Touching the alleged inequality between the ministers and the elders in our judicatories, it need only be remarked that the number of vacant churches in a growing land like this greatly exceeds the number of unemployed ministers, and in the Church at large the elders could at any time obtain a large majority, if disposed so to do. Apprehending no danger in this direction, and recognizing no antagonism between the teaching and the ruling elders in the Church, this Assembly sees no reason for special action in the case, leaving the Presbyteries in our large cities, where ministers without charge are prone to collect, to deal with them in an orderly manner as their wisdom may suggest.—1859, p. 533, O. S.

10. May a minister hold a civil office?

The Committee to whom was referred the communication from the Presbytery of Ohio respecting the Rev. Boyd Mercer and his letter to the Moderator of the Assembly, exhibited their report.

The report, having been read and amended, was adopted, and is as follows, viz.:

With respect to the abstract question, whether the tenure of a civil

office be or be not incompatible with that of the holy ministry, the Assembly is of the opinion that there is nothing in the holy Scriptures, or in the Constitution, acts or proceedings of the Presbyterian Church in these United States, expressly prohibitory of such union of offices.

With respect to the particular case referred to their consideration, as Mr. Mercer in his letter expressly asserts that it is not his intention to decline the office of the holy ministry, and that he was led to devote himself for the present to the functions of an associate judge by a state of health so infirm as to interrupt the regular discharge of his public duties as a minister of religion, your Committee are of opinion that the Presbytery of Ohio ought not to censure him unless there be some circumstances in the case unknown to the Assembly.

That none, however, may so far misconstrue these sentiments as to persuade themselves that they countenance a covetous, ambitious spirit, your Committee further beg leave to suggest the propriety of cautioning your clergy against worldly-mindedness; of exhorting them not to aspire after places of emolument or civil distinction; of reminding them that the cure of souls is their peculiar business, and that they who serve at the altar ought, as far as possible, to avoid temporal avocations.—1806, p. 363; reaffirmed, 1808, p. 399.

11. He may hold the office of chaplain in the army or navy.

a. Application was made to Synod by Mr. Beatty, desiring to know their mind with respect to his going as chaplain to the forces that may be raised in the Province of Pennsylvania, if he shall by the Government be called to that service. The Synod do judge it to be his duty.—1756, p. 275.

b. Application having been made to Mr. Beatty by Colonel Armstrong to serve as chaplain to the first battalion of the Pennsylvania Provincials for the ensuing campaign, he requested the advice and judgment of this Synod with respect to his duty therein. The Synod do unanimously agree that it is his duty to go.—1758, p. 282.

c. 'Tis allowed that Messrs. Alexander McDowel and Hector Allison go as chaplains to the Pennsylvania forces, and that Mr. Kirkpatrick go with the New Jersey forces, the ensuing campaign.—1760, p. 302.

d. The First Philadelphia Presbytery report that they have ordained Mr. Israel Evans and Mr. William Lynn to qualify them to act as chaplains in the army to which they had been appointed.—1776, p. 472.

e. Also ordained Mr. Robert Keith to qualify him to act as a chaplain in the army.—1777, p. 477.

f. A reference from the Presbytery of Philadelphia on the propriety of their ordaining to the work of the Gospel ministry a licentiate under their care who now holds the office of a chaplain in the navy of the United States was considered, whereupon the Assembly

Resolved, That this judicature of the Presbyterian Church feels a deep and lively interest in the spiritual welfare of the mariners of this country, and especially of those who are engaged in the naval service of our Union; and that the Assembly therefore will rejoice if any Presbytery under its care has the opportunity of ordaining any well-qualified persons, men of piety and learning, with a view to their rendering permanent ministerial services to large congregations of our fellow-citizens who dwell in ships-of-war.—1826, p. 171.

12. Demission of the ministry now permitted.

[NOTE.—See *Digest* of 1886, pp. 165–168. The sentiment of the Assembly was uniformly against allowing a minister to demit the ministry. See *Minutes*, 1802, p. 258; 1858, p. 299; 1859, p. 532, O. S., when an overture providing for the demission of the ministry was rejected: Affirmative, 24 Presbyteries; negative, 84 Presbyteries.

In 1860 the Assembly, N. S., adopted a full minute on the demission of the ministry. *Minutes*, pp. 234–236, N. S. See *Digest* of 1886, pp. 166–168.

In the Assembly of 1871 an overture on the demission of the ministry was committed to Rev. Drs. Z. M. Humphrey, Charles Hodge, Henry B. Smith, George W. Musgrave and Elijah R. Craven, to report to the next Assembly, p. 590. For the report and overture, see *Minutes*, 1872, pp. 46–50. The overture was rejected: Affirmative, 45 Presbyteries; negative, 65; not voting, 69.—1873, p. 526.

These decisions and deliverances are annulled by Sec. li, Book of Discipline.]

13. Ministers who withdraw from Presbytery and unite with another denomination stricken from the roll.

a. The Committee on the reference from the Chenango Presbytery in the case of the Rev. Edward Andrews, made the following report, which was adopted, viz.:

Resolved, As the sense of this Assembly, that though the conduct of Mr. Andrews was disorderly, it be recommended to the Presbytery to do nothing further in the case than simply to strike his name from the list of their members.—1828, p. 240.

[NOTE.—Mr. Andrews had withdrawn to the Episcopal Church and been reordained.]

b. *Resolved*, That when a minister otherwise in good standing gives notice in form to the Presbytery to which he belongs that he renounces the fellowship of the Presbyterian Church, or by neglecting to attend the meetings of its judicatories, after being dealt with for such neglect, gives evidence that he has done so in fact, his name ought to be struck from the roll of its members, a notice of this procedure communicated to the disowned member, and if necessary published to the Church.

The congregation under the care of such minister ought to be held as still under the care of Presbytery unless they give evidence that they also have been withdrawn, in which case their name ought also to be struck from the list of congregations belonging to the Presbytery.—1830, p. 305.

c. *Resolved*, That it be recommended to the majorities of Presbyteries and church Sessions to take no other action in relation to members who have left them to join other ecclesiastical bodies not in connection with us than to strike their names from the roll.—1839, p. 24, N. S.; 1879, p. 613.

d. Overture No. 5, from the Second Presbytery of New York, asking the direction of the Assembly as to the action to be taken by Presbytery in the case of a member who, without previous conference with his co-presbyters, or without receiving a certificate of dismission, leaves the Presbytery, and abandons the ministry of the Presbyterian Church. The Committee recommend to the Assembly the adoption of the following resolution as an answer to the request of the Presbytery:

Resolved, That in such cases as that presented in the overture, the Presbytery ought simply to erase the name of the minister from the roll, provided he leaves the Church without being chargeable with fundamental error in doctrine or immorality of life. Adopted.—1854, p. 17, O. S.

[NOTE.—See Book of Discipline, Chap. vii, Sec. liii.]

14. Names of church members and ministers who withdraw irregularly to be stricken from the roll under specified circumstances.

Overture from the Presbytery of Elizabeth, asking, "What is the duty of the Session in regard to a church member who has united with another denomination without having previously given any notice to the Session of such purpose?"

The Committee recommends that this inquiry be answered by referring to the action of the General Assembly (N. S.) of 1839, as found in Moore's *Digest*, 1886, p. 169; and also to the action of the General Assembly of 1828, with reference to ministers who withdraw from the Presbytery and unite with another denomination, as found on the same page of the *Digest*.—1879, p. 613; 1880, p. 45.

[NOTE.—See Book of Discipline, Chap. vii, Secs. lii, liii.]

15. Duty of Presbytery in case of members who do not report.

a. Overture from the Presbytery of Boston with reference to absentees of whose whereabouts the Presbytery knows nothing, or who, absenting themselves from year to year, give no heed to the communications of the Presbytery. As to the former class, the Committee recommend that their names be retained on the roll till some knowledge can be obtained of such brethren; as to the latter class, that a process of discipline be entered upon for violation of ordination engagements to be subject to their brethren in the Lord. Adopted.—1876, p. 80; 1885, p. 604.

b. Overture from the Presbytery of Pueblo, asking whether the rule which forbids the granting of a letter to a member of a church who has been absent from all meetings and services of said church for two years without satisfactory explanations, applies also in principle to a minister in his relation to a Presbytery.

Your Committee answer this inquiry in the negative, and would recommend that each Presbytery is competent to decide each particular case on its own merits. Adopted.—1883, p. 626.

[NOTE.—See Book of Discipline, Chap. xii, Sec. cxvi.]

16. Authority for taking from the roll the names of ministers serving churches in other denominations.

A request, from the Presbytery of Westchester, that the Assembly shall define the authority of Presbyteries in regard to taking from the roll the names of ministers serving churches in other denominations. The Committee recommend the adoption of the following:

Since the adoption of the Revised Book of Discipline, especially Sec. liii, Chap. vii, a Presbytery has no authority to take a minister's name from the roll without his consent, except by discipline, unless he has said or done something which either recognizes some other ecclesiastical jurisdiction over him or declares his independence. Presbyteries should, however, by correspondence, urge those who have identified themselves with other denominations to take regular dismissions. Ministers of our own Church ought to connect themselves with those Presbyteries within which is located either their field of labor or their residence, unless very special and unusual reasons exist to the contrary. Adopted.—1885, p. 604.

[NOTE.—See Book of Discipline, Chap. vii, Secs. li, liii.]

VIII. TO EXAMINE AND APPROVE OR CENSURE CHURCH RECORDS.

1. Presbyteries must review the records of Sessions.

Whereas, It appeared in the course of the free conversation on religion that in one of the Presbyteries under the care of the General Assembly the Sessional records of the several church Sessions were not regularly called up and examined every year by the said Presbytery, and there is reason to believe that other Presbyteries had conducted in the same manner, therefore,

Resolved, That it be and it hereby is required of all the Presbyteries within the bounds of the General Assembly annually to call up and examine the Sessional records of the several churches under their care, as directed in the Book of Discipline.—1809, p. 429; 1810, p. 453.

[NOTE.—See Form of Government, Chap. ix, Sec. viii.]

IX. TO RESOLVE QUESTIONS OF DOCTRINE OR DISCIPLINE.

X. TO CONDEMN ERRONEOUS OPINIONS.

[NOTE.—See above under Chap. viii, Sec. iii (2).]

XI. TO VISIT PARTICULAR CHURCHES, TO INQUIRE AND REDRESS.

1. Overture on the right of a church to dismiss its elders; to deny the right of appeal and to deny the authority of the Presbytery.

The Committee on the Polity of the Church, to whom was referred the overture—When a church shall dismiss its ruling elders, and deny to its members the right of appeal and complaint, and deny the authority of Presbytery over it, has it a right to be represented in the judicatories of our Church ?—reported as follows:

Our Church is organized on constitutional principles, with powers and duties appropriate to each branch or part thereof; and with a gradation of subordinate and superior judicatories, designed to preserve unity of doctrine, and orderly discipline, according to the Scriptures.

This Constitution does not recognize a right of revolution, and makes no provision therefor; but treats all such cases simply as breaches of order, and visits them with appropriate constitutional remedies. Any individual church is represented in the Church judicatories constitutionally only by the pastor or an elder, one or both; and it can find admission into such judicatories only through such a mode of representation.

The overture supposes three cases: (1) a dismissal of elders; (2) a denial of the right of appeal and complaint; and (3) a denial of the authority of the Presbytery.

Each of these is an unconstitutional act, is utterly null and void, and subjects the offending church to visitation and discipline at the hands of the Presbytery. The Form of Government, Chap. x, Sec. viii, empowers the Presbytery "to visit particular churches for the purpose of inquiring into their state, and redressing the evils that may have arisen in them; to unite or divide congregations, at the request of the people; or to form or receive new congregations; and, in general, to order whatever pertains to the spiritual welfare of the churches under their care."

The above-named acts of insubordination, being void, work no effect; the Session have still the right, and it is their duty, to send one of the elders to the Presbytery and the Synod; and his votes and acts in these bodies are the votes and the acts of the church. So, too, the Presbytery may send any one of such elders to the General Assembly; and should such

church refuse obedience to the acts of the judicatories so constituted, it would be subject to the discipline, in due form, of our ecclesiastical law. Such church has a right to be represented by *elders*, and it cannot pass by them and substitute a *private member* as its representative. A void act of deposition, or dismission of its elders, does not incapacitate the church. In sending one of its dismissed elders to the Presbytery or the Synod, it disaffirms its illegal act, and that is an end of it; and if it should send a delegate, not an elder, he could not be received; and the church would be simply unrepresented (except by the pastor), *pro hac vice;* but the church is still under the care of the Presbytery, and subject to its government. The bond of union, which was formed by mutual and concurrent consent and act, cannot be dissolved by an *ex parte* act of insubordination or revolution, until the other party has acted thereon. The Committee, therefore, recommend the following answer to the overture:

Resolved, That the acts of insubordination, specified in the overture, do not, of themselves, infer a forfeiture of the church's right to be represented in the Church judicatories; but such representation must be in the mode, and by the persons specified in the Constitution of the Church.—1860, pp. 260, 261, N. S.

2. Unconstitutional acts of a portion of a church are void.

Where one portion of a church connected with, and under the jurisdiction of, the Presbytery, denies the jurisdiction and authority of the Presbytery and every other body, and all right to review its proceedings, and the right of appeal to the Presbytery, and declare their determination so to continue; and the other portion of such church declare to the Presbytery their wish to continue their connection with the Presbytery as heretofore, instead of setting up as an independent church, what is the duty of the Presbytery toward that portion who remain faithful to such jurisdiction ?

And recommended the following answer: That in the judgment of the Assembly, the report on the subject last year (see *Minutes*, pp. 260, 261) implies that the church sustains the same relation to the Presbytery as before the denial of its jurisdiction; and that the delegate of the church is entitled to a seat in the Presbytery, as in years previous to the act aforesaid.—1861, p. 478, N. S.

3. Presbytery may, without petition, direct an elder to cease acting.

Overture from the Session of the Presbyterian church at Ironton, Mo., in reference to the power of the Presbytery to declare that a member of the Session shall cease to be an acting elder, without request from the Session, or any members of the church.

The Committee would recommend the following answer (see Form of Government, Chap. x, Sec viii): Presbytery has power to visit particular churches for the purpose of inquiring into their state, and redressing the evils that may have arisen in them, and to order whatever pertains to their spiritual welfare, without being requested by the Session.

The report was adopted.—1869, p. 924, O. S.

[NOTE.—See Form of Government, Chap. xiii, Sec. vii.]

4. A church may not withdraw without consent of Presbytery.

a. From the Presbytery of Bloomington, asking, Has any church, or any part of a church in our connection, the constitutional right to with-

draw from a Presbytery without its consent, and to unite with another body? Answered in the negative.—1866, p. 54, O. S.

b. From the Presbytery of Iowa City: Can a Presbyterian church, under the care of a Presbytery, withdraw regularly without first asking consent and leave of the Presbytery?

We unhesitatingly reply that no Presbyterian church, under care of a Presbytery, can withdraw regularly without first asking consent and leave of the Presbytery under whose care and jurisdiction it voluntarily placed itself.—1867, pp. 511, 512, N. S.; confirmed, 1876, p. 80.

c. Overture.—A question from the Presbytery of Wisconsin: How shall a church be orderly transferred to another denomination? The Committee recommend the following answer: So far as it is ecclesiastically concerned, it cannot withdraw regularly without first asking consent and leave of the Presbytery under whose care and jurisdiction it voluntarily places itself (see Moore's *Digest*, 1886, p. 172). Questions of property must be determined by the courts of the State. Adopted.—1876, p. 80.

5. Course to be pursued when a church wishes to withdraw.

Also Overture No. 4, from certain members of the Presbytery of Athens, asking "whether it is allowable for a Presbytery and a church under its charge to dissolve their connection by mutual consent, the church retaining its organization and standing as an independent body."

The Committee recommended that the following answer be given:

The only proper method of dissolving the relation between a Presbytery and a church desiring to become an independent body is for such church to withdraw, declining the further jurisdiction of the Presbytery, and the Presbytery to make such a record of its withdrawal as the character of the action of the withdrawing church requires. The recommendation was adopted.—1862, p. 33, N. S.

[NOTE.—See 4, *a*, *b*, *c*, above.]

6. Presbytery may dissolve a church.

a. The appeal and complaint of Smiley Shepherd against the Synod of Illinois. The report was as follows:

The following facts are stated in the records of the Presbytery of Bloomington, and are not denied by the complainant: The Second Church of Union Grove in October, 1859, had for about twenty years neither meeting-house, pastor nor stated supply, nor had it submitted, through the whole of that period until 1859, either statistical reports or Sessional records. It had worshiped regularly with the First Church of Union Grove. In fact, in 1859 it consisted of the complainant and his family alone; but the complainant claimed and exercised the right, as ruling elder, to receive members to his church and to sit and vote in Presbytery and Synod. For about fifteen years the Presbytery had considered the church as without even a nominal existence, having in 1841 dropped it from the roll, and it was not restored to the roll till 1856, and then only with a view of having it regularly united with the First Church of Union Grove. On the 11th of October, 1859, Presbytery dissolved the said Second Church, and directed the Stated Clerk to furnish its members with the usual certificates to some other Presbyterian church.

Against this proceeding Mr. Shepherd appealed, and complained to the Synod of Illinois, but his complaint was not sustained. He now appeals and complains to the General Assembly.

He does not deny the facts as stated by the Presbytery, but alleges that both Presbytery and Synod were guilty of certain gross irregularities and an arbitrary use of power in the proceeding. But the papers do not contain evidence sustaining these allegations. There is no testimony of any kind filed with these papers. It is impossible for the Assembly to determine from the record whether the power of the Presbytery was discreetly exercised. The Committee therefore recommend that the appeal and complaint be dismissed.

The report was adopted, and the appeal and complaint dismissed.—1863, p. 36, O. S.

[NOTE.—The action of the Presbytery was sustained.]

b. Overture, from the Presbytery of Council Bluffs, asking:

1. Has the Presbytery the power, under any circumstances, to dissolve a church organization?

2. When a church becomes greatly reduced in numbers, and its existence is made unnecessary by the new organization of Presbyterian churches in more favorable localities, to which a majority of its members have removed, has the Presbytery power to dissolve such a church organization, overruling the wishes of a majority of the members of said church organization?

3. Is this power of the Presbytery subject to reversal by the higher courts on any other ground than that of injudicious exercise?

The Committee recommend that the overture be answered by a reference to the case of Shepherd *vs.* The Presbytery of Bloomington (Moore's *Digest*, 1886, p. 172, Sec. 48). Adopted.—1875, p. 507.

7. Dissolution is in the discretion of the Presbytery, subject to appeal.

A memorial to the General Assembly, signed by a number of its ministers and elders, asking an answer to the following questions: Whether, under the Constitution of the Presbyterian Church, a Presbytery has the power to dissolve a Presbyterian church, regularly constituted with a Session, communicants and trustees, supporting the preaching of the Gospel, no formal charges made against the church, and yet acting against the wishes of the Session and congregation, or rather while they are protesting against such action?

The Committee recommended the following reply:

1. A Presbytery, in the exercise of the powers given it by Sec. viii, Chap. x, of our Form of Government, must be its own judge as to the causes that are sufficient to justify it in dissolving any church in its connection (see *Digest*, 1886, p. 172).

2. If any wrong is done to a church by such a Presbyterial act its remedy is to be found in an appeal to a higher judicatory. Adopted.—1879, p. 615.

8. The church must have notice of the proposed dissolution.

[The Presbytery of Philadelphia North dissolved the Hermon Church. On complaint, the Assembly reversed the Synod and the Presbytery, on the ground that the church had not had notice (see Book of Discipline, Chap. ix, Sec. iv, sub-Sec. xcix). The Presbytery, after due notice, again dissolved the church, and its action was brought by complaint before the Assembly.]

The Judicial Commission, appointed on Case No. 1, submitted the following report, which was ordered to be recorded as the judgment of the Assembly:

The Judicial Commission to whom was referred Judicial Case No. 1, being an appeal of Addison Bancroft and R. W. Stewart, ruling elders in the Hermon Presbyterian Church, Frankford, Pa., from an action of the Synod of Philadelphia, present the following report:

The appellants appealed from the action of the Presbytery of Philadelphia North in dissolving the Hermon Church, and deciding the field occupied by it a mission station under the care of the Presbytery. The Synod of Philadelphia, at its stated meeting at Chester, Pa., October 19, 1877, sustained the action of the Presbytery; whereupon the appellants brought their appeal from said action of the Synod to this General Assembly; and the case having been, by consent of parties, referred by the General Assembly to this Commission for hearing and decision, and the Commission having thereupon proceeded to issue the appeal under the order prescribed by the Judicial Committee of General Assembly, and having fully heard the original parties and the members of the inferior judicatory, decided that the said appeal from the Synod of Philadelphia be not sustained, and for the following reason: It appears from the minutes of the General Assembly of 1877 that this case was brought before said Assembly upon its merits, and that the action of the Synod of Philadelphia and of the Presbytery of Philadelphia North, in the premises, was by the General Assembly reversed, for the reason that Hermon Church had no previous notice of the contemplated action of the Presbytery in dissolving the church, while at the same time regret is expressed as to the necessity of reversing the decision of the Synod of Philadelphia upon a ground which may seem merely technical; whereupon the Presbytery of Philadelphia North did, at a regularly called meeting on June 15, 1877, proceed anew in the whole matter, and, having served proper notice upon Hermon Church of its purpose to dissolve said church, did dissolve it. After a full hearing of the case, this Commission is satisfied that the Presbytery of Philadelphia North was fully justified by the facts and by our Form of Government in the action then taken; and that the Synod of Philadelphia was fully justified in sustaining the Presbytery in its action. Adopted.—1878, p. 41.

XII. TO ORGANIZE, UNITE AND DIVIDE CHURCHES.

1. The organizing of churches belongs to Presbytery.

Is a minister of the Gospel in our connection, *ex-officio*, authorized to organize churches in the bounds of Presbyteries without any previous order of Presbytery directing such organization?

a. *Resolved*, That except in frontier and destitute settlements, where, by Form of Government, Chap. xv, Sec. xv, it is made a part of the business of evangelists to organize churches, and except in cases where it is exceedingly inconvenient to make application to a Presbytery (for which provision is made in the act of Assembly of 1831), it is not the prerogative of a minister of the Gospel to organize churches without the previous action of some Presbytery directing or permitting it, since in Form of Government, Chap. x, Sec. viii, to form new congregations is enumerated among the powers of a Presbytery, and since in Chap. iv, "Of Bishops or Pastors," no mention is made of any such power being lodged in the hands of an individual minister.—1833, p. 410; Form of Government, Chap. xv, Sec. xv.

b. No church shall be organized by a missionary within the limits of

any Presbytery, unless authority has been previously obtained from the Presbytery.—1883, p. 644.

2. To divide and organize on petition of a minority.

a. Has a Presbytery the constitutional right to divide a church where a majority of the members of said church are opposed to its division?

Resolved, That where the minority request it, and the Presbytery has reason to believe that the interests of religion will be promoted by it, the Presbytery has the right to form the minority into a new congregation. —1848, p. 29, O. S.

b. Presbytery, under our form of government, has the sole power, within its jurisdiction, to form, unite, and divide churches and to establish and dissolve pastoral relationships, subject to the provisions of the Constitution, including the provisions for complaint, appeal, review and control.—1896, p. 131.

3. Presbytery may prohibit an organization.

[NOTE.—The people about White Clay Creek, in New Castle county, Delaware, petitioned Presbytery to have the ordinances of the Gospel administered with more convenience and nearness to the place of their abode, for the greater advantage and ease to their several families. Against this the people of New Castle protested, craving that the people of White Clay Creek may not be suffered to set up a meeting-house in the country, that their meeting-house and congregation in New Castle may not be damaged by this rupture of their fellow-members of White Clay Creek.]

The General Presbytery,

Ordered, That the people of New Castle and the country should not be divided by setting up two separate meetings.—1708, pp. 11, 12.

4. When new congregations may be formed.

The Assembly censure a minister for irregularity in dividing the church in Peoria, by which he did not make a separation from the great body of the Presbyterian Church, but a schism in the body, contrary to the Word of God and the government of the Church, which allow of the division of the Church universal into separate congregations only when the people of God are too numerous, or remote from each other, to assemble in one place to worship God.—1840, p. 302, O. S.

5. Churches should not be organized where the people can be supplied with church privileges by existing Presbyterian churches.

Overture from the Presbytery of East Florida, asking for advice regarding the organization of new churches within its own bounds, and the right of the Presbytery to solicit aid from the Boards of Home Missions and Church Erection. Your Committee recommend the following action:

1. It is inexpedient and contrary to the expressed spirit of the Church to multiply church organizations in any field already well supplied with Gospel privileges, and especially so when the churches occupying the field are closely related to us in doctrine and polity.

2. In the particular field seeking advice—viz., that which is occupied by the Presbytery of East Florida—we see no reason either for disturbing work already undertaken, or for putting any definite prohibition upon wise Christian zeal which seeks the extension of the Church's work and care in the bounds of the said Presbytery.

3. However, we think it unwise, and a waste of the means and power of the Church, to organize separate churches when the persons desiring

such organizations are not only few in number, but may be supplied with church privileges by existing Presbyterian churches. Adopted.—1882, p. 96.

6. Presbytery has power over the location of a church.

Overture proposing the following question: "Does Chap. x, Sec. viii, of the Form of Government, defining the powers of the Presbytery, give the Presbytery the right to exercise control over the erection of church buildings within its bounds, both in the case of new organizations expecting to build and of old congregations proposing a change of location?" Answered in the affirmative.—1884, p. 77.

7. Presbytery has power to divide a church.

The Commission appointed to try the appeal and complaint from the Lost Creek congregation against the Synod of Harrisburg, presented their report, which was accepted, and ordered on record in the minutes of the Assembly, as follows:

The Commission, to whom was referred Judicial Case No. 5, being an appeal from and a complaint against the Synod of Harrisburg, in the matter of sustaining the action of the Presbytery of Huntingdon, dividing the church of Cedar Creek, beg leave to report, recommending that the paper be accepted as a complaint alone, and that it be dismissed.

The Cedar Creek Church consists of members of the two congregations of Mifflintown and Lost Creek, eight miles apart, and united as one incorporated society. The people at Mifflintown petitioned the Presbytery to be organized into a new and separate church, and a Committee was appointed by the Presbytery for this purpose. Having been informed that an organization into a new church might jeopard their claim to any portion of the property they hold in common with the people of Lost Creek, the members of the Cedar Creek Church at Mifflintown recalled their previous request, and asked the Committee of the Presbytery to divide the old church, and set them off as a part of it, and organize them into a distinct church. The Committee acceded to this, and the act was approved and adopted by the Presbytery.

The people at Lost Creek complained to the Synod, that the division of the church was irregular, unconstitutional and injurious: (1) Because the Committee of the Presbytery were appointed to organize a new church, and not to divide the old one; (2) because the Presbytery were incompetent to divide the church without the consent of that part of it connected with the Lost Creek congregation; (3) because no notice of an appointment of the Committee of the Presbytery had been given to the Lost Creek people; and (4) because a division of the church must be injurious to Lost Creek, by the resources that must be withdrawn from it, and injurious to both places by the alienation that must be produced.

The Synod dismissed the complaint, and sustained the Presbytery.

The complaint of the action of the Synod is brought up to the General Assembly, on the same grounds on which complaint of the action of the Presbytery was based.

The dismissal of the complaint is recommended to the Assembly, because (1) the action of the Committee of Presbytery was made their own by the Presbytery; the Presbytery are competent to divide a church on the petition of a portion of its members, and especially of a majority

of its members; (2) notice of the coming of the Committee of the Presbytery was published from the pulpit at Lost Creek, and the proposed coming of the Committee was well known to the people there; (3) because the Presbytery and Synod, well qualified to judge of this, deemed it expedient and for the interests of both congregations that the church should be divided; and that the apportionment of the property between the two congregations is left for future adjustment.—1876, pp. 93, 40; 1896, p. 131.

8. The Presbytery has the power to unite churches.

A complaint of certain members of the former Central Church, Jacksonville, Ill., against the action of the Presbytery of Springfield, in uniting the First and Central Churches of Jacksonville.

The Synod is the court of last resort in such cases.—1886, p. 73; 1896, p. 131.

9. A Presbytery may not dismiss or receive a church without the consent of Synod.

Resolved, That it is unconstitutional for a Presbytery to dismiss a congregation under their care, and for any other Presbytery to receive the congregation so dismissed, without the approbation of the Synod to which such Presbyteries respectively belong.—1823, p. 91.

XIII. TO ORDER WHATEVER PERTAINS TO THE SPIRITUAL WELFARE OF THE CHURCHES.

1. A Presbytery dissolves a pastoral relation on its own discretion, for the peace and welfare of the church.

The Moderator explained the state of the question, and read the action of the Presbytery of St. Louis complained against, which was as follows:

The memorial of certain members of Pine Street Church having been presented, after discussion,

Resolved, 1. That by the action of Presbytery in June, 1863, the pastoral relation between Dr. McPheeters and the Pine Street Church was dissolved, and Dr. McPheeters ceased to be the pastor of that church, and ceased to have the right to exercise discipline, or perform the functions of the pastoral office in that church.

Resolved, 2. That inasmuch as this action was taken by Presbytery in the exercise of its power "to ordain whatever pertains to the spiritual welfare of the churches under their care," and is its solemn judgment that the interests of the Pine Street Church required that Dr. McPheeters should cease to exercise the functions of minister to that church, therefore Presbytery learn with regret that Dr. McPheeters is still officiating as minister in that church, whether by invitation of Session or at his own instance is not known to Presbytery, but in either case they do hereby ordain and declare that in the judgment of Presbytery the peace and harmony and spiritual interests of Pine Street Church, as well as a proper respect for the feelings of a large minority opposed to the ministration of their former pastor, require that Dr. McPheeters shall cease all connection with that church, and no longer attempt to minister to that congregation.

The vote in the case was then taken:

Whereupon the Moderator announced that the complaints in this case against the Presbytery of St. Louis were not sustained.

The following is the minute in the case, viz.:

The Assembly does not sustain the complainants, because the proceedings of the Presbytery of St. Louis in this case appear constitutional and regular, and, so far as we can perceive, were judicious, equitable, and for the edification of the church.

These complaints, both in their language and the necessity of the case, brought the whole proceeding under our review. The question of a dissolution of the pastoral relation between Dr. McPheeters and the Pine Street Church was originally brought in an orderly manner before the Presbytery, by petition of a minority of said church, and a personal tender of resignation by the pastor; and after all the constitutional steps were taken with care and deliberation, was decided by the Presbytery, acting for the peace and welfare of that church. That which was called an appeal and complaint to Synod against that action could not so suspend all further proceedings as to prevent the Presbytery from considering and acting upon the continued disturbed state of that congregation; and when, at a subsequent stated meeting of that body, this subject came before them, they did, almost unanimously, deem it unadvisable that the late pastor should continue ministerial labors in that congregation. Against this decision of the Presbytery, Dr. McPheeters and others have uttered these complaints, which we do not sustain.

The Assembly has patiently listened to the history of this case from the opposite points of view taken, but in their decision have strictly confined themselves to the facts on record. The resignation of the pastoral relation, and the distracted state of the church, seemed plainly to call for the action of the Presbytery; and being upon the ground, and conversant with all the circumstances and demands of the case, they seem most competent to understand and decide what that action should be. The question of the pastor's loyalty to his national government, which seemed to be so largely a disturbing element in the church, has not been properly before the Assembly, as it was not pronounced upon in any Presbyterial action. They judged it best for the peace and prosperity of that particular church that the late pastor should retire altogether, and cease from his public ministrations to them; and this Assembly cannot decide otherwise. And though many of the members of the Presbytery were absent from that meeting which so decided, this could not invalidate their proceedings, as it was a regular and lawful meeting of that body.

The right and duty of the Presbytery "to order whatever pertains to the spiritual welfare of the churches under their care, and especially to heal dissensions, by seeking to remove the occasions of them, is a distinctive and important feature in our Presbyterian polity. And when the pastor himself so far recognized the propriety of his withdrawal as to tender to the Presbytery his resignation, it was clearly competent for that body not only to grant his request, but to order, if necessary, that he cease his ministrations to that people, if they believed that by longer continuing to serve them the dissensions would be fomented, the strife become embittered, and the spiritual interests of the church endangered. And when the Presbytery did, at length, so interfere and direct, without pronouncing upon the rumors and side issues which were the occasions of the strife and unhappy condition of the church, they simply undertook to control the relations of pastor and people for the welfare of the church, without impeaching, by any expression, the moral character and

ministerial standing of that pastor. They only ordered, as a prudential measure, that the resignation which he had himself voluntarily tendered to them, should properly and entirely be carried out, by his ceasing in any way to keep up this unhappy state of things, and by ceasing to minister to them as their pastor.—1864, pp. 327, 328, O. S.

[NOTE.—See Form of Government, Chap x, Sec. viii.]

2. Power of the Presbytery over the pulpits of its churches.

a. That stated supplies should not preach in the pulpits of any Presbytery without its consent; and when the consent is refused, the Presbytery to which such minister serving as stated supply belongs, being notified, should recall him within its own bounds.—1874, p. 83.

b. The Presbytery has power to determine who shall statedly preach in the pulpits of its churches, as declared in the answer to the overture of the Presbytery of Lackawanna [see above] on essentially the same subject. Adopted.—1874, p. 85.

3. The power of the Presbytery over unemployed ministers and vacant churches.

[NOTE.—The subject of vacant churches and unemployed ministers was brought before the Assembly by an overture from the Synod of Toledo.—1871, p. 547. A Special Committee of seven was appointed to consider and report upon it to the next Assembly, p. 594. Its report was referred to the next Assembly.—1872, p. 54. The next year the Assembly considered the report as referred to it by the Committee on Church Polity and adopted it.—1873, pp. 562, 563. See Moore's *Digest*, 1886, p. 176.

This scheme did not prove satisfactory in operation. A Committee was appointed to report to the next Assembly on Overtures on Unemployed Ministers and Vacant Churches.—1880, p. 82.

That Committee reported a plan which was adopted.—1881, pp. 544, 548. See Moore's *Digest*, 1886, pp. 498, 499, where the report is given in full. Neither did this scheme accomplish the desired results.]

(1) Committee of seven appointed, 1888.

a. The following paper was referred to the Committee on Vacant Churches and Unemployed Ministers:

In view of the acknowledged difficulty of bringing our unemployed ministers and pastorless churches into communication with each other, the ministerial force of our Church being thereby often subject both to disuse and misuse, and the ministry sometimes exposed to personal humiliation;

And in view of the challenge of our present method of preparing men for the ministry, and the plea that is urged in many quarters for an alternative English course of study;

And in view of the wide need of more laborers of some sort, if we would reach the destitute districts adjacent to our regularly established churches, which outside and independent, and sometimes irresponsible agencies are being organized to meet;

And in view of the latent and untrained power for effective and evangelistic service in many of our church officers and members:

Resolved, That a Committee of seven, four ministers and three elders, be appointed to take these and any other questions strictly germane thereto into consideration, and report to the next Assembly whether any, and if any, what action is desirable concerning any one or all of these points.—1888, p. 135.

[NOTE.—See its report of progress.—1889, p. 107.

This Committee on the Increase of the Supply of Ministers and on Unemployed

Ministers and Vacant Churches made a report which was referred to the next Assembly and may be found in full in *Minutes*, 1890, Appendix, pp. 157-160; 1890, p. 110.
The report of this Special Committee on Unemployed Ministers and Vacant Churches was taken up.—1891, pp. 48, 54, 129, 189. For the report in full, see *Minutes*, 1891, pp. 209-213, Appendix. The Stated Clerk was directed to transmit the report to the Presbyteries for their opinions to be considered by the Committee and reported to the next Assembly.—1891, p. 209.]

b. The Committee on Unemployed Ministers and Vacant Churches presented its report, which was amended, and adopted. The Stated Clerk was directed to send down the overture contained therein to the Presbyteries, for action by them.—1892, p. 215.

[NOTE.—For the report of the Committee in full, see *Minutes*, 1892, pp. 215-217.]

c. The Committee of Canvass on the Answers of the Presbyteries reported that the overture, having failed of receiving a constitutional majority, is not adopted.—1893, p. 204.

(2) Committees of Presbytery to be appointed.

In answer to overtures from some forty Presbyteries asking the Assembly to adopt some plan of regulating pulpit supply, and ministerial service, and suggesting a plan for the same, the Assembly reply:

The General Assembly, by frequent Committees, through many years, has wrestled with this problem. It has thus far failed to formulate a plan that has proved to be acceptable and serviceable to the Church. The duties herein proposed to be recommended to Presbyteries, ministers and vacant churches are such as might be reasonably commended, including also the Synod. The methods suggested are such as clearly belong to our system. But the reiteration of these methods at this time would seem to be useless, unless it be accompanied by the creation of some form of central agency to serve as the medium of communication. The central agency proposed in most of these overtures is *The Church at Home and Abroad*. Your Committee is not prepared to recommend this as an agency that could or would be used by the Presbyteries, churches or ministers for this purpose. Some of the overtures propose an officer of the General Assembly as the agency. We recommend, therefore, that the General Assembly call the attention of Presbyteries, Synods, ministers and churches to this subject; that the Assembly recommend to Presbyteries and Synods the appointment of Committtees on Vacant Churches and Unemployed Ministers, and that the question of a central agency be held in abeyance for the present.—1894, p. 142.

4. The higher judicatories may institute process in cases in which the lower have been directed so to do and have refused or neglected to obey.

[NOTE.—See Book of Discipline, Sec. xviii. Complaint of the Sewickley Church considered as an overture.]

1. This Assembly reaffirms the resolutions adopted by the Synod and Presbytery, setting forth the binding obligations of the Fourth Commandment as expounded in the Standards of the Presbyterian Church and in the repeated deliverances of the General Assembly, and also the declarations of the Synod and the Presbytery, that any voluntary and responsible participation in the publication and sale of a Sunday newspaper is inconsistent alike with obedience to the law of God and with membership in the Presbyterian Church.

2. That it is entirely within the constitutional authority of a Presby-

tery to direct the Session of a church under its care to proceed to the discipline of any member of said church; and that it is competent for a Synod to reaffirm such instructions on a reference of a case asking for its advice. That the Session of the church of Sewickley were bound to carry out the plain meaning of the instructions of the Presbytery of Allegheny, and that their reasons for declining to do so are insufficient.

3. That the proper remedy for the Presbytery to apply to that Session, if they continue to disobey the instructions of the Presbytery, is to put the Session under discipline for contumacy.

The report was adopted.—1877, p. 531.

IX. It shall be the duty of the Presbytery to keep a full and fair record of their proceedings, and to report to the Synod every year, licensures, ordinations, the receiving or dismissing of members, the removal of members by death, the union or division of congregations or the formation of new ones, and, in general, all the important changes which may have taken place within their bounds in the course of the year.

[NOTE.—See under Form of Government, Chap. xi, Sec. vi. Nearly every case there applies equally to the records of Presbytery.]

1. Narratives and all important papers to be recorded.

Resolved, That this Assembly earnestly recommend to the Synods and Presbyteries to record in their minutes the Narrative of Religion and all other papers.—1870, p. 91; 1892, p. 200.

2. Minutes of Presbyteries may be kept in print.

Overture from the Synod of New York, asking the Assembly to make a definite deliverance as to whether the principle established in relation to the records of Synods (*Minutes*, 1884, p. 75) does not apply to those of Presbyteries also.

This answer referred to has reference to the keeping the minutes of the Synods in print.

Your Committee recommend an answer in the affirmative; and to say that all our Church courts may follow the same rule, only observing with care:

1. That the minutes be fully and accurately kept and recorded.

2. That they be preserved in volumes, and not left to separate pamphlets, and be carefully paged.

3. That they have blanks left for corrections and approval.

4. That the minutes of every meeting be duly authenticated by the written name of the Stated Clerk, or some officer appointed to authenticate them. Adopted.—1889, p. 101.

3. Churches holding services in foreign languages to be designated in statistical reports.

It was *Resolved*, That the Stated Clerks of the Presbyteries indicate, in the statistical reports, the nationality of all churches in which services are held in a foreign language, by adding to or inserting in the name of a given church the customary national name of the persons worshiping therein.—1882, p. 18.

4. The Stated Clerk of the Assembly may upon explicit official information correct errors.

Overture from the Presbytery of Mahoning, asking the General As-

sembly to restrain its Stated Clerk from making alterations in statistical reports, in face of the deliberate action and order of the Presbytery, on the subject of putting to the names of ministers the designations "W.C." and "H.R." Your Committee recommend the following answer: The General Assembly enjoins its Presbyteries to carefully attend to sending their statistical reports as full and complete as practicable. And further, it is the judgment of the Assembly that it is within the province of the Stated Clerk to correct obvious errors and to supply evident omissions in the statistical reports sent up by the Presbyteries; it being understood, however, that changes shall be made only upon explicit official information.—1882, p. 96.

5. It is required of every Presbytery to prepare and forward Reports to the General Assembly.

1. A Statistical Report, according to the form exhibited on page 385 of the present Appendix; a printed blank for which will be furnished in due season, by order of the Assembly, to the Stated Clerk of every Presbytery. This report should, if possible, embrace all the changes in the Presbytery previous to the first day of April.

2. A Narrative of the State of Religion within the bounds of the Presbytery for the year ending April 1. A blank for the Narrative was adopted by the General Assembly of 1891, and a copy will be forwarded to every Stated Clerk. By order of the Assembly of 1880, a blank for a Tabulated Statement of facts will annually be forwarded to the Stated Clerk of each Presbytery, to be filled properly, and duly reported to the Assembly. This Tabulated Statement should be sent to the Stated Clerk of the Assembly at least ten days before the meeting of that body. As the Narratives are not to be publicly read, less care may be given to their style, and more to the details of particulars, such as will aid the Committee of the Assembly in preparing their Annual General Narrative of the State of the Church. The blank for the Congregational Narratives, ordered by the Assembly of 1895, can be had from the Board of Publication.

X. The Presbytery shall meet on its own adjournment; and when any emergency shall require a meeting sooner than the time to which it stands adjourned, the moderator, or, in case of his absence, death, or inability to act, the stated clerk, shall, with the concurrence, or at the request of two ministers and two elders, the elders being of different congregations, call a special meeting. For this purpose he shall send a circular letter, specifying the particular business of the intended meeting, to every minister belonging to the Presbytery, and to the Session of every vacant congregation, in due time previous to the meeting; which shall not be less than ten days. And nothing shall be transacted at such special meeting besides the particular business for which the judicatory has been thus convened.

1. Presbytery may meet without its own bounds.

1. *Resolved*, That Synod has power to order a Presbytery to meet and to transact such business as in the judgment of Synod is intimately connected with the good order and well-being of the Church.

2. *Resolved*, That as such meetings are of the nature of *pro re nata*

meetings, the rules that are laid down in our book for the regulation of such called meetings ought to regulate and govern in all cases these meetings ordered by Synod, except when ordered to meet during the sessions of Synod on business immediately connected with the proceedings of that body. In such cases the Presbytery may be required to meet at once by order of the Synod.

3. *Resolved*, That whilst it would be inexpedient and wrong for the Synod to order a Presbytery to meet beyond its own bounds without the express consent of its members, we see no constitutional or valid objection against a Presbytery agreeing to meet without its own geographical limits.—1848, p. 60, O. S.

2. A meeting pro re nata must be called by the Moderator chosen at a stated meeting.

[The records of the Synod of Mississippi approved,] with the exception that the Synod acknowledges the constitutionality of a meeting of the Presbytery of Clinton that had been called by a Moderator chosen *pro tempore* at a previous *pro re nata* meeting, instead of being called by the Moderator appointed at the last stated meeting of the Presbytery.—1842, p. 28, O. S.

3. When meetings pro re nata may be called.

In answer to the first query, the Synod judge that meetings of judicatures *pro re nata* can only be necessary on account of important occurrences unknown at their last meeting, and which cannot be safely deferred till their stated meeting, such as scandal raised on a minister's character tending to destroy his usefulness and bring reproach on religion, or feuds in a congregation threatening its dissolution, or some dangerous error or heresy broached; but not matters judicially deferred by the judicature, except some unforeseen circumstance occurs, which makes it appear that some principal things on which the judgment depends may then be had, and cannot be obtained if it is deferred till their stated meeting, nor for any matters that ordinarily come in at their stated meetings. And when such occasional meetings appear necessary to the Moderator himself, it is proper to call the judicature together, or upon the application of any two members judging it necessary, provided always that seasonable notice be given to all the members of the occasion, time and place of meeting, and that it be appointed at such a season as may render the attendance of the members practicable.—1760, p. 305.

4. Applicants for a meeting pro re nata may name a time and place which the Moderator may not change.

1. In an application to the Moderator of a Presbytery to call a *pro re nata* meeting of that body, is it competent for applicants to specify a particular time and place for such meeting?

2. If a particular time or place, or both, be specified in the application for a *pro re nata* meeting of Presbytery, has the Moderator a right, on such application, to call a meeting at a different time and place?

The first question was answered affirmatively, the second negatively, at the recommendation of the Committee.—1856, p. 522, O. S.

5. What business may be done at a pro re nata meeting.

Overture from the Presbytery of Newton, asking the General Assembly if, at a *pro re nata* meeting, business, necessarily resulting from

action taken at such meeting, but not included in the call, can be properly transacted. For example: at a *pro re nata* meeting to dissolve a pastoral relation and dismiss the pastor, the following items which were not in the call were transacted:

Arrangements were made for declaring the pulpit vacant;

Supplies were furnished for the vacant pulpit;

A neighboring pastor was appointed Moderator of the Session of the vacant church, according to a standing rule of the Presbytery;

The minister dismissed left the important Committee on Systematic Beneficence without a chairman, of which Committee the remaining members were not able to act: at this *pro re nata* meeting this vacancy was filled.

The Committee recommend the following answer: Only such action should be had at a *pro re nata* meeting as is essential to complete the business directly connected with that named in the call for said meeting.

In the case submitted the appointment of the chairman of a permanent Committee of the Presbytery was not within the limits of the call for the *pro re nata* meeting. Adopted.—1874, p. 81.

6. How the place of the regularly appointed meeting may be changed.

Overture from the Presbytery of Bellefontaine, asking the Assembly to provide a plan for the more convenient change of the place of meeting of the Presbyteries, similar to that provided for the Synods, as found in Moore's *Digest*, p. 509.

Answer. Whenever from any cause it shall be necessary to change the place of the regularly appointed meeting of a Presbytery, its Stated Clerk shall, at the request of at least three-fourths of the Clerks of its church Sessions, be authorized to secure another place of meeting, and to issue his official call for the meeting of the Presbytery accordingly. (See *Digest* of 1886, p. 509, similar action as to Synod.)—1890, p. 45.

XI. At every meeting of Presbytery a sermon shall be delivered, if convenient; and every particular session shall be opened and closed with prayer.

1. The preacher not necessarily a member of that Presbytery.

The records of the Synod of Indiana approved, except that on page 253 it appeared that the Presbytery of Madison, at a certain meeting, in the absence of the Moderator, invited a minister from another Presbytery to preach the opening sermon. This act of Presbytery the Synod condemn as unconstitutional. The Committee are of the opinion that the Presbytery by so doing violated no principle of the Constitution.

Adopted.—1849, p. 250, O. S.

[NOTE.—It will be observed that Sec. xi does not require that the sermon shall be delivered at the *opening* of the meeting.]

XII. Ministers in good standing in other Presbyteries, or in any sister churches, who may happen to be present, may be invited to sit with the Presbytery as corresponding members. Such members shall be entitled to deliberate and advise, but not to vote in any decisions of the Presbytery.

1. Synods and Presbyteries may correspond with local bodies.

a. *Resolved*, That while this Assembly would not interfere authoritatively with the lower judicatories in the exercise of their prerogative, they would recommend that no ministers should be invited to sit as correspondents who do not belong to some body in correspondence with this Assembly.—1843, p. 23, N. S.

b. The report of the Committee in reference to correspondence with the Methodist Episcopal conferences, which had been put upon the docket, was taken up, and the following resolution was adopted, viz.:

Whereas, The communication of the Oneida Annual Conference of the Methodist Episcopal Church solicits only a correspondence between themselves and the Synod of New York and New Jersey, and not with the Presbyterian Church generally; and

Whereas, The Synod has referred the matter to the Assembly without submitting any specific proposition or plan for such correspondence; therefore,

Resolved, That the communication be referred back to the Synod to adopt such measures as they may deem proper in pursuance of the request for a correspondence of the local bodies.—1850, p. 323, N. S.

c. Overture: Is it orderly for our Presbyteries and Synods to invite ministers of the Methodist Episcopal Church to sit as corresponding members? which was answered by the Assembly unanimously in the *affirmative*.—1849, p. 174, N. S.

2. The ecclesiastical bodies must be named.

Minutes (Synod of Albany) approved, with the exception of having invited several ministers to take their seats as corresponding members without describing the ecclesiastical bodies to which such ministers belong. —1815, p. 578.

3. An elder cannot sit as a corresponding member.

An overture from the Presbytery of Milwaukee, for an answer to the following question: "In a meeting of Presbytery, is there constitutional objection to inviting a ruling elder present, as the retiring Moderator, but not a delegate, to sit as a corresponding member?" It is recommended that this answer be returned: "He cannot be invited to sit as a corresponding member in the Presbytery, because he is from no body in correspondence with it, and because he is eligible to the Presbytery as one of its constituency, and has not been delegated by his Session."

Adopted.—1886, p. 48.

4. A Unitarian minister may not be invited to sit.

Exception to records of the Synod of the Columbia. We find on page 17 this record: That "The Rev. T. L. Elliott, of the Unitarian Church of Portland, being present, was invited to the privileges of the floor."

To this action of the Synod the Assembly excepts.—1886, p. 110.

CHAPTER XI.

OF THE SYNOD.

I. As a presbytery is a convention of the bishops and elders within a certain district; so a synod is a convention of the bishops and elders within a larger district, including at least three presbyteries. The synod may be composed, at its own option, with the consent of a majority of its presbyteries, either of all the bishops and an elder from each congregation in its district, with the same modifications as in the presbytery, or of equal delegations of bishops and elders, elected by the presbyteries on a basis and in a ratio determined in like manner by the synod itself and its presbyteries.

NOTE.—The Form of Government, as adopted in 1789, read: "A Synod is the Convention of several Presbyteries within a larger district, including at least three Presbyteries." The Assembly of 1804, p. 304, sent down an overture to the Presbyteries to change the section, and added in a note, "Under this section it has been doubted whether the members can proceed to business as a Synod, unless there are present *several Presbyteries, i. e.*, at least three ministers from one of the existing Presbyteries and three from another. The amendment therefore goes to make a Synod consist not of Presbyteries, but, as it ought, of bishops and elders." The amendment was adopted.—1805, p. 333.

1. Mode in which a Synod may become a delegated body.

Should any Synod vote to become a delegated body, its decision shall be submitted to its Presbyteries, and shall take effect when ratified by a majority thereof. This result shall be ascertained at a subsequent meeting of the Synod; or, if the Synod so provide, the result shall be certified to the Moderator and Clerks of the Synod, and by them be communicated to the several Presbyteries as a basis for electing delegates to the ensuing or second meeting.—1882, p. 97.

2. Synod may not refuse to receive the members of its Presbyteries, nor order their names to be erased.

[NOTE.—See under Book of Discipline, Chap. ix, Sec. lxxii. Exceptions to records of Synods of Michigan and Indiana. Unconstitutional action.]

3. The Synods as constituted in 1870.

The order of the day, viz., the Enabling Act, was then taken from the docket, amended, and passed as follows:

Resolved, That, in order to carry into full effect the plan of Reunion, the fifty one Synods, into which the Presbyteries of this Church are now distributed, be and they are hereby so arranged as to make but thirty-four Synods, to be constituted as follows:—1870, p. 91.

[NOTE.—For the history of the organization of Synods prior to 1869, see Baird's *Digest*, revised ed., 1858, pp. 264-275, and Moore's new *Digest*, 1861, pp. 142-154.
For bounds and constituency of the Synods constituted in 1870, see Moore's *Digest*, 1886, pp. 182-187, and *Minutes* 1870, pp. 91-97. For changes in the boundaries of these Synods by transfers or assignments of Presbyteries or churches, see *Digest*, as above, pp. 187, 188.]

4. Churches of Presbyteries beyond the bounds of the United States.

Resolved, That the churches connected with any of the Presbyteries of this Church that are located beyond the bounds of the United States be,

and they hereby are, attached to the Presbytery and Synod as newly arranged to which they are next adjacent.—1870, p. 127.

5. Synods organized between 1870 and 1881.

(1) *The Synod of Colorado.*

The Synod of Colorado is hereby constituted; to consist of the ministers and churches in the Presbyteries of Colorado, Santa Fé and Wyoming; and that said Synod meet at Pueblo, Colo., on the fourth day of September, 1871, at 11 o'clock A.M.—1871, p. 547.

[Note.—Divided, 1883, p. 630. See under (6) below, Synod of Utah.]

(2) *The Synod of Nebraska.*

Overtures from the Presbyteries of Omaha, Nebraska City and Kearney, praying to be constituted a Synod to be called "The Synod of Nebraska." The Committee recommend that their petition be granted, and that the time of the first meeting of the Synod be the first Thursday in October next, at 7 o'clock P.M., in the First Presbyterian Church of Nebraska City; that the Rev. Nahum Gould preach the sermon, and preside at the organization of the Synod until a Moderator be chosen; or, in case of his absence or inability to act, the oldest minister present. Adopted.—1874, p. 82.

(3) *The Synod of the Columbia [now Oregon].*

Overture from the Presbytery of Oregon, asking the General Assembly to erect a Synod on the territory now embraced within the bounds of said Presbytery, as herein described, under the name of "The Synod of the Columbia," with the following Presbyteries, viz.:

1. The Presbytery of Oregon, which shall be defined as within that part of the State of Oregon situated between the Columbia river on the north, and a line beginning at the southwest corner of Benton county, and running along the south line of said county to the southeast corner, thence along the east line to the southwest corner of Linn county, thence along the south line of said county to the summit of the Cascade Mountains, also the counties of Wasco, Umatella, Union, Grant and Baker, in eastern Oregon, together with the Territory of Idaho; and to consist of the following churches, served by seven ministers: Portland, Brownsville, Bethany, Tualitin Plains, Corvallis, Salem, Pleasant Grove, Albany, Eagle Park, Kamia, Lapwai, Astoria, Clatsop and Lewiston; said Presbytery to convene at Salem, Tuesday, October 17, 1876, at 7.30 P.M., in the First Presbyterian Church, and be opened with a sermon by Rev. Aaron L. Lindsley, D.D., or, in his absence, by the oldest minister present, who shall preside until a Moderator be chosen.

2. The Presbytery of Puget Sound, to be reorganized under the same name, and entitled to the books, papers, and other immunities which belonged to the old Presbytery of Puget Sound, now in the care of Rev. George F. Whitworth; this Presbytery to include all the Territory of Washington, and to consist of the following churches, served by nine ministers: Olympia, White River, Seattle, Port Townsend, Puyallop Mission, San Juan Islands, Steilacoom, Tumwater, Puyallop, Spokane Falls, and Snohomish City; said Presbytery to convene at Olympia, in the First Presbyterian Church, on Tuesday, October 17, 1876, at 7.30 P.M., and to be opened with a sermon by the Rev. George F. Whit-

worth, or, in his absence, by the oldest minister present, who shall preside until a Moderator be chosen.

3. The Presbytery of South Oregon, to be constituted and include all of the rest of the State of Oregon not heretofore described; and to consist of the following churches, served by seven ministers: Eugene City, Empire City, Roseburgh, Jacksonville, Marshfield, Phœnix, and Ashland; said Presbytery to convene Tuesday, October 17, 1876, at 7.30 P.M., in the First Presbyterian Church of Eugene City, and to be opened with a sermon by the Rev. M. Allen Williams, or, in his absence, by the oldest minister present, who shall preside until a Moderator be chosen.

The first meeting of the Synod of the Columbia shall be convened to meet Thursday, October 19, 1876, at 7.30 P.M., in the First Presbyterian Church of Portland, and be opened with a sermon by the Rev. Edward R. Geary, D D., or, in his absence, by the oldest minister present. Adopted.—1876, p. 75.

(4) *Change of name, Columbia to Oregon.*

Be it *Enacted*, That the Synod of the Columbia shall hereafter be known as the Synod of Oregon, and shall include all Presbyteries within the State of Oregon, and the Synod of Oregon is hereby declared to be the legal successor of the said Synod of the Columbia.—1891, p. 187.

(5) *The Synod of Texas.*

Overture, being a request from the Synod of Kansas that the three Presbyteries of Austin, North Texas and Trinity, into which the Presbytery of Austin has been divided, be organized as a Synod. The Committee recommend that the request be granted; that the new Synod be known as the Synod of Texas; and that their first meeting be held in the First Presbyterian Church of Austin, on the second Thursday of October, 1878, at 7.30 o'clock P.M., and be opened with a sermon by the Rev. William G. Bell, or in his absence by the oldest minister present, who shall preside until a Moderator be chosen. Adopted.—1878, p. 57.

(6) *The Synods of Colorado and Utah.*

The Standing Committee on the Polity of the Church presented

Overtures, being overtures from the Presbytery of Denver and from the Synod of Colorado, asking for the division of the Synod of Colorado.

Your Committee recommend that, as the proposed division seems to be expedient for important geographical and other reasons, and is unanimously agreed to by all the parties concerned, therefore,

Resolved, That the request be granted, in form as desired, viz.:

1. Out of the Presbyteries of Denver, Pueblo and Santa Fé to construct a new Synod, to be called The Synod of Colorado, and to be the legal successor in all respects of the present Synod of Colorado.

2. Out of the Presbyteries of Utah, Montana and Wood River (recently formed) to erect a new Synod, to be known as The Synod of Utah.

3. To authorize the new Synod of Colorado to meet on Wednesday, October 10, 1883, at 7.30 P.M., at Del Norte, Colo., and to appoint the Rev. John W. Partridge to open the Synod with a sermon, and preside until it shall be formally organized by the election of officers.

4. To authorize the new Synod of Utah to meet at Salt Lake City, Utah, on Tuesday, August 22, 1883, at 7.30 P.M., and to appoint the Rev. Calvin M. Parks to open the Synod with a sermon, and preside until it shall be formally organized by the election of officers.

5. To transfer from the Synod of Columbia and the Presbytery of Idaho to the Synod of Utah and Presbytery of Wood River so much of the Territory of Idaho as lies east and south of the southern boundary of Idaho county, Idaho Territory. Adopted—1883, p. 630.

(7) *The Synod of Dakota* [*now South Dakota*].

The Standing Committee on the Polity of the Church reported

Overture from the Synod of Minnesota, asking that certain of its Presbyteries be set off and erected into a new Synod; also, on the same subject, from the Presbytery of Southern Dakota.

The Committee recommends that these requests be complied with, and that the Synod of Dakota be hereby constituted, to include all that part of the Territory of Dakota lying south of the 46th parallel of north latitude, and to consist of the Presbyteries of Aberdeen, Central Dakota, Dakota (including all the ministers and churches among the Dakota Indians) and Southern Dakota, now in connection with the Synod of Minnesota; and that the said Synod of Dakota convene at Huron, on Thursday, the ninth day of October next, at half-past seven o'clock P.M., and be opened with a sermon by the Rev. Walter S. Peterson, or, in case of his absence, by the senior minister present, who shall preside until a Moderator be chosen. Adopted.—1884, pp. 74, 75.

(8) *Name changed, Dakota to South Dakota.*

The Committee on Bills and Overtures reported overture from the Synod of North Dakota, asking the Assembly to change the name of the "Synod of Dakota" to the "Synod of South Dakota."

In view of the representations made in behalf of both Synods, and inasmuch as no objection has been presented by the Synod of Dakota, it is recommended that the request be granted, and that the Synod of Dakota be styled hereafter the Synod of South Dakota. Adopted.—1888, p. 71.

(9) *The Synod of North Dakota.*

Overtures and papers requesting the erection of a Synod of North Dakota, and showing the assent thereto of all the parties interested. We therefore recommend that the request be granted by the adoption of the following:

The Synod of North Dakota is hereby constituted to consist of the Presbyteries of Pembina, Northern Pacific and Bismarck, as these Presbyteries are bounded by the following constituting act of the Synod of Minnesota at its sessions in Rochester, Minn., October 11, 1884:

1 All that part of Dakota Territory lying between Montana on the west, the provinces of Canada on the north, Red river on the east, and the north line of Traill, Steel and Griggs counties, due west to the Missouri river, and thence along its course to the Montana border, to be known as the Presbytery of Pembina.

2. All that part of the Territory south of this to the 46th parallel, west to the east line of Emmons, Burleigh and Sheridan counties (except

T. 139, R. 73, in Kidder county), to be known as the Northern Pacific Presbytery.

3. All the remaining part of the Territory (including T. 139, R. 73, in Kidder county) to be formed into the Presbytery of Bismarck.

The Synod of North Dakota, thus erected, shall meet at Fargo, Dak., on the second Thursday of October, 1885, at 7.30 o'clock P.M.; and the Rev. Francis M. Wood, or, in his absence, the oldest minister present, shall preach the opening sermon, and preside until a Moderator is chosen. Adopted.—1885, p. 605.

[NOTE.—See for boundary lines under Synod of South Dakota, below.]

(*10*) *Bounds of the Synods of South and North Dakota.*

Overture, on a change of boundary lines, from the Synod of North Dakota. It is recommended that the following action be taken:

Be it *Enacted*, by the General Assembly, this twenty-third day of May, 1895, that the north line of the South Dakota Synod and the south line of the North Dakota Synod shall be the seventh standard parallel, so making the lines of these two Synods coterminous with the lines of the States within which they are located. Adopted.—1895, p. 79.

(*11*) *The Synod of Catawba.*

There has also been referred to your Committee an overture from the Synod of Atlantic, requesting the Assembly to divide this Synod into two Synods, making the boundary line between the States of North and South Carolina the Southern boundary of the new Synod, with the following result: Within the new Synod, three Presbyteries (Cape Fear, Catawba and Yadkin), fifty-four ministers, eighty-nine churches and 5490 church members; within the at present existing Synod, six Presbyteries, sixty-eight ministers, 114 churches and 7719 church members. Your Committee recommend that this request be granted, and that, in accordance with the request of the Synod of Atlantic, the new Synod be called the Synod of Catawba, the old Synod retaining its original name. It is also directed that the Synod of Catawba meet at Charlotte, N. C., on the first Wednesday of November, at 7.30 P.M., for organization and the transaction of whatever business may come before it, and that the Rev. Stephen Mattoon, D.D., or, in his absence, the oldest member of the new Synod present, preach the opening sermon and preside until a Moderator is elected. Adopted.—1887, p. 107.

(*12*) *The Synod of the Indian Territory.*

The Standing Committee on the Polity of the Church reported:

There have been referred to your Committee two overtures, the one from the Synod of Kansas, and the other from the Presbytery of the Cherokee Nation, both requesting the formation of a new Synod, to be called the Synod of the Indian Territory.

At its late session at Emporia, held October 8, 1886, the Synod of Kansas divided the Presbytery of Indian Territory into three Presbyteries, to be called the Presbytery of the Cherokee Nation, the Presbytery of Choctaw, and the Presbytery of Muscogee. It also requested the General Assembly at its present session to form these Presbyteries into a new Synod.

Your Committee therefore recommends that these three Presbyteries be constituted a Synod, to be called the Synod of the Indian Territory; that the new Synod hold its first meeting at Vinita, I. T., on the 7th day of September, 1887, at 11 o'clock A.M.; and that the Rev. Robert M. Loughridge, D.D., or, in his absence, the oldest minister of these Presbyteries present, preach the opening sermon, and preside until a Moderator is elected.

The report was adopted.—1887, p. 69.

(*13*) *The Synod of New Mexico.*

Overture from the Synod of Colorado, asking the Assembly to erect a new Synod out of the Synod of Colorado, to be composed of the Presbyteries of Arizona, Rio Grande and Santa Fé, to be known as the Synod of New Mexico, and to include the Territories of New Mexico, Arizona, etc.

The Committee recommend that the request be granted; and that this new Synod be known as the Synod of New Mexico, and hold its first meeting at Albuquerque, N. M., on the second Tuesday of October, 1889, at such hour as may be most convenient; and that the Rev. G. W. Riggle, or, in case of his absence or inability to act, the oldest minister present, be appointed to open the meeting with a sermon and preside until a Moderator be chosen.—1889, p. 102.

(*14*) *The Synod of Washington.*

Overtures from the Presbytery of Olympia and from the Presbytery of Puget Sound, asking for the erection of the Synod of Washington.

Answer. We recommend that the General Assembly erect a Synod to be called the Synod of Washington, which Synod shall be composed of the four Presbyteries of Puget Sound, Idaho, Alaska and Olympia. The said Synod of Washington shall meet in the First Presbyterian Church of Tacoma, in the State of Washington, October 9, 1890, at 7.30 o'clock P.M., and be opened with a sermon by the Rev. J. R. Thompson, D.D., or, in his absence, by the minister present who has been longest within the bounds of the new Synod. We also recommend that the Church of Sumner remain in connection with the Presbytery of Puget Sound.—1890, p. 37.

(*15*) *The Synod of Montana.*

Overtures from the Synod of Utah, and overture from the Presbytery of Montana, requesting that the boundaries of the Synod of Utah be changed, and the Synod of Montana be created. We recommend that the request be granted, and to this end recommend the following action:

1. Be it *Enacted*, by the General Assembly, that the boundaries of the Synod of Utah be, and hereby are, changed so that it shall be composed hereafter of the ministers and churches in the Presbyteries of Utah, Boisé and Kendall. The Rev. R. G. McNiece, D.D., is hereby appointed Moderator (or, in case of his absence or inability to act, the oldest minister in commission) to convene the Synod, preach the opening sermon and preside until the Synod shall be regularly organized. Adopted.

2. Be it *Enacted*, by the General Assembly, that the Presbytery of Butte be, and hereby is, erected, to consist of Ministers Adam Johnson,

J. I. Campbell, James R. Russell, Eiko J. Groeneveld, Albert R. Crawford, James Reid, C. Howard Grube, J. W. Millar, William Clyde, I. N. Roberts and A. C. McMillan, with the churches in the counties of Missoula, Ravalli, Granite, Deer Lodge, Silver Bow and Beaver Head, Montana. The Rev. Eiko J. Groeneveld is hereby appointed Moderator (or, in case of his absence or inability to act, the oldest minister in commission) to convene the Presbytery, preach the opening sermon and preside until the Presbytery shall be regularly organized. Adopted.

3. Be it *Enacted*, by the General Assembly, that the Presbytery of Helena be, and hereby is, erected, to consist of Ministers Dirk E. Denninck, William B. Reed, Lyman E. Hanna, Andrew Wormser, Thomas A. Wickes, Thomas V. Moore, John Dunlap, John F. Lynn, Davis Willson, R. M. Donaldson and Joseph W. Sanderson, with the churches in the counties of Lewis and Clarke, Jefferson, Madison, Gallatin, Park, Yellowstone and Custer, Montana. The Rev. Thomas V. Moore is hereby appointed Moderator (or, in case of his absence or inability to act, the oldest minister in commission) to convene the Presbytery, preach the opening sermon and preside until the Presbytery be regularly organized. Adopted.

4. Be it *Enacted*, by the General Assembly, that the Presbytery of Great Falls be, and hereby is, erected, to consist of Ministers John Reid, Jr., George McVey Fisher, Edwin M. Ellis, John C. Lenhart, George Edwards, J. C. Wiggins and David Walker, with the churches in the counties of Flathead, Teton, Cascade, Fergus, Meagher, Valley and Dawson, Montana. The Rev. George McVey Fisher is hereby appointed Moderator (or, in case of his absence or inability to act, the oldest minister in commission) to convene the Presbytery, preach the opening sermon and preside until the Presbytery shall be regularly organized. Adopted.

5. Be it *Enacted*, by the General Assembly, that the Presbytery of Butte be, and hereby is, constituted the legal successor of the Presbytery of Montana, and all records belonging to the Presbytery of Montana shall be turned over to the Stated Clerk of the said Presbytery of Butte. Adopted.

6. Be it *Enacted*, by the General Assembly, that the Synod of Montana be, and hereby is, erected, its boundaries to be coterminous with the boundaries of the State of Montana, said Synod to be composed of the Presbyteries of Butte, Helena and Great Falls (or such names as may be selected by these Presbyteries at their organization). The Rev. Andrew Wormser is hereby appointed Moderator (or, in case of his absence or inability to act, the oldest minister in commission) to convene the Synod, preach the opening sermon and preside until the Synod shall be regularly organized. Adopted.—1893, pp. 130, 131.

(*16*) *Name of the Synod of the Pacific changed to California.*

Overture from the Synod of the Pacific, desiring that its name be changed to the Synod of California.

The Committee would recommend that the request be granted, and proposes the following act for adoption by the General Assembly:

Be it *Enacted*, That the Synod of the Pacific shall hereafter be known as the Synod of California, and shall include all Presbyteries now included within the bounds of the said Synod of the Pacific; and that the Synod

of California is hereby declared to be the legal successor of the said Synod of the Pacific.—1892, p. 189.

6. The Synods as reorganized in 1881.

[NOTE.—A Committee was appointed by the Assembly of 1879 (*Minutes*, p. 614) to report on the propriety of proposed changes looking toward the reorganization of the Synods of the Church. This Committee was continued, and reported to the Assembly in 1881; *Minutes*, pp. 559–562.]

a. *Recommendations adopted.*

1. That the Synods of Albany, Central New York, Geneva, Long Island, New York and Western New York be consolidated, and together constitute the Synod of New York; said Synod to comprise within its bounds the State of New York, together with our ministers and churches in the New England States, and those under the care of the foreign missionary Presbyteries of Oroomiah and Siam.

2. That the Synods of Erie, Harrisburg, Philadelphia and Pittsburgh be consolidated, and together constitute the Synod of Pennsylvania; said Synod to comprise within its bounds the State of Pennsylvania, together with our ministers and churches within the bounds of the State of West Virginia, and those under the care of the foreign missionary Presbytery of Western Africa.

3. That the Synods of Cincinnati, Cleveland, Columbus and Toledo be consolidated, and together constitute the Synod of Ohio; said Synod to have its bounds coterminous with the State of Ohio.

4. That the Synods of Illinois Central, Illinois North and Illinois South be consolidated, and together constitute the Synod of Illinois; said Synod to have its bounds coterminous with the State of Illinois.

5. That the Synods of Indiana North and Indiana South be consolidated, and together constitute the Synod of Indiana; said Synod to have its bounds coterminous with the State of Indiana.

6. That the Synods of Iowa North and Iowa South be consolidated, and together constitute the Synod of Iowa; said Synod to have its bounds coterminous with the State of Iowa.

The Committee would also recommend that the Presbyteries in connection with the Synods thus consolidated be advised, at their sessions next preceding the meeting of the new Synod to which they will belong, to adjourn to meet during the sessions of said Synod.

The Committee would also respectfully add, that they have prepared a draft of an enabling act, which they append to this report, awaiting the pleasure of the Assembly.

b. *The enabling act.*

Resolved, That, in order to carry into full effect the plan for the reconstruction of certain Synods, adopted by this Assembly, the following action be now taken:

1. The Synods of Albany, Central New York, Geneva, Long Island, New York and Western New York are hereby consolidated, and constituted into the Synod of New York; which Synod shall include all the Presbyteries within the State of New York, and within New England, together with the foreign Presbyteries of Oroomiah and Siam, and all the churches and ministers under the care of said Presbyteries; and the Synod of New York, as thus constituted, is hereby declared to be the legal successor of the Synods of Albany, Central New York, Geneva,

Long Island, New York and Western New York, and, as such, entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of those Synods.

The Synod of New York, as thus constituted, shall meet on the third Tuesday of October, A.D. 1882, at half-past seven o'clock P.M., in the First Church of Utica, N. Y., and shall be opened with a sermon by the Rev. Henry A. Nelson (or, in his absence, by the Rev. David R. Frazer), who shall preside until a Moderator be elected. This resolution and action shall take effect on the second day of January, in the year of our Lord 1882.

2. The Synods of Erie, Harrisburg, Philadelphia and Pittsburgh are hereby consolidated, and constituted into the Synod of Pennsylvania; which Synod shall include all the Presbyteries within the State of Pennsylvania, together with those within the State of West Virginia, and the foreign Presbytery of Western Africa, and all the ministers and churches under the care of said Presbyteries; and the Synod of Pennsylvania, as thus constituted, is hereby declared to be the legal successor of the Synods of Erie, Harrisburg, Philadelphia and Pittsburgh, and, as such, entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of those Synods.

The Synod of Pennsylvania, as thus constituted, shall meet on the third Thursday of October, A.D. 1882, in the Market Square Church of Harrisburg, Pa., at three o'clock P.M., and shall be opened with a sermon by the Rev. Henry S. Butler (or, in his absence, by the Rev. Wallace Radcliffe), who shall preside until a Moderator be elected. This resolution and action shall take effect on the second day of January, in the year of our Lord 1882.

3. The Synods of Cincinnati, Cleveland, Columbus and Toledo are hereby consolidated, and constituted into the Synod of Ohio; which Synod shall include all the Presbyteries within the State of Ohio, and all the ministers and churches under the care of said Presbyteries; and the Synod of Ohio, as thus constituted, is hereby declared to be the legal successor of the Synods of Cincinnati, Cleveland, Columbus and Toledo, and, as such, entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of those Synods.

The Synod of Ohio, as thus constituted, shall meet on the second Monday of October, A.D. 1882, at half past seven o'clock P.M., in the Second Presbyterian Church of Columbus, Ohio, and be opened with a sermon by the Rev. Charles C. Beatty (or, in his absence, by the Rev. E. Perkins Pratt), who shall preside until a Moderator be elected. This resolution and action shall take effect on the second day of January, in the year of our Lord 1882.

4. The Synods of Indiana North and Indiana South are hereby consolidated, and constituted into the Synod of Indiana; which Synod shall include all the Presbyteries within the State of Indiana, and all the ministers and churches under the care of said Presbyteries; and the Synod of Indiana, as thus constituted, is hereby declared to be the legal successor of the Synods of Indiana North and Indiana South, and, as such, entitled to the possession of all the rights and franchises, and liable to the performance of all the duties, of those Synods.

The Synod of Indiana, as thus constituted, shall meet on the second Thursday of October, A.D. 1882, at half-past seven o'clock P.M., in

the Second Presbyterian Church of Indianapolis, Ind., and shall be opened with a sermon by Rev. Joseph F. Tuttle (or, in his absence, by the Rev. Daniel W. Fisher), who shall preside until a Moderator be elected. This resolution and action shall take effect on the second day of January, in the year of our Lord 1882.

5. The Synods of Illinois Central, Illinois North and Illinois South are hereby consolidated, and constituted into the Synod of Illinois; which Synod shall include all the Presbyteries within the State of Illinois, and all the ministers and churches under the care of said Presbyteries; and the Synod of Illinois, as thus constituted, is hereby declared to be the legal successor of the Synods of Illinois Central, Illinois North and Illinois South, and, as such, entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of those Synods.

The Synod of Illinois, as thus constituted, shall meet on the third Tuesday of October, A.D. 1882, at half-past seven P.M., in the Second Presbyterian Church of Springfield, Ill., and shall be opened with a sermon by the Rev. Robert W. Patterson (or, in his absence, by the Rev. Thomas W. Hynes), who shall preside until a Moderator be elected. This resolution and action shall take effect on the second day of January, in the year of our Lord 1882.

6. The Synods of Iowa North and Iowa South are hereby consolidated, and constituted into the Synod of Iowa; which Synod shall include all the Presbyteries within the State of Iowa, and all the ministers and churches under the care of said Presbyteries; and the Synod of Iowa, as thus constituted, is hereby declared to be the legal successor of the Synods of Iowa North and Iowa South, and, as such, entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of those Synods.

The Synod of Iowa, as thus constituted, shall meet on the third Thursday of October, A.D. 1882, at half-past seven o'clock P.M., in the Central Presbyterian Church of Des Moines, Ia., and shall be opened with a sermon by the Rev. Samuel S. Howe (or, in his absence, by the Rev. Alexander S. Marshall), who shall preside until a Moderator be elected. This resolution and action shall take effect on the second day of January, in the year of our Lord 1882.—1881, pp. 562–565.

7. Custody of the records of the Synods thus consolidated.

Resolved, That the Stated Clerks of the several Synods now consolidated in other Synods, be directed to deposit the records of said Synods with the Stated Clerks of the Synods which are their legal successors.—1882, p. 94.

[Note.—For Synods formed since 1882, see under (5), above: Utah, 1883; South Dakota, 1884, 1888, 1895; North Dakota, 1885; Catawba, 1887; Indian Territory, 1887; New Mexico, 1889; Washington, 1890; Montana, 1893.]

8. The official relation of the Stated Clerk of a judicatory terminates by his removal from its bounds. The custody of the records is with the Permanent Clerk or the Moderator.

Overture, from the Presbytery of Chester, asking whether the Stated Clerk of a Synod who changes his Presbyterial and Synodical connection, terminates thereby his official connection with the Synod as Stated Clerk; and, if so, into whose hands the books, papers and other property of the Synod are to be delivered.

Answer. While the Stated Clerk, whether a member of the judicatory or not, is only its servant, his official relation therewith terminates by his removal beyond its bounds, and the records, books, etc., should go into the hands of the Permanent Clerk, till a successor is elected, and if there be no Permanent Clerk, then into the hands of the Moderator. Adopted.—1895, p. 101.

II. Any seven ministers, belonging to the Synod, who shall convene at the time and place of meeting, with as many elders as may be present, shall be a quorum to transact synodical business; provided not more than three of the said ministers belong to one Presbytery.

1. When a Synod consists of three Presbyteries, the withdrawal of one of them, for judicial business, does not destroy the quorum.

a. An overture from the Presbytery of New Castle, asking the General Assembly, "in view of the withdrawal of the Presbytery of Rio de Janeiro from the Synod of Baltimore, causing that Synod to be left without a constitutional quorum of Presbyteries in issuing judicial cases, to enlarge the Synod of Baltimore by the addition of one or more Presbyteries."

The Committee refers to Chap. xi, Form of Government, and says, "The Synod of Baltimore, as now constituted, comprises the three Presbyteries of Baltimore, New Castle and Washington City," and recommend that no action be taken. The report was adopted.—1889, p. 80.

b. Overture, from the Synod of Atlantic, concerning a quorum of Synod, questions:

(1) In the case of a Synod composed of three Presbyteries and seven ministers, not more than three of whom are from one Presbytery, does this constitute a quorum for all Synodical business?

The answer recommended is, Yes. See Form of Government, Chap. xi, Sec. 2.

(2) Does the withdrawal of one Presbytery, as required by the Book of Discipline (Secs. 90 and 98), in judicial cases, vacate the quorum of Synod for judicial business? Your Committee recommend as an answer: The Synod being constituted with a quorum present, remains legally constituted for judicial business after such withdrawal of one of the Presbyteries. Adopted.—1892, p. 189.

2. The rule as to a quorum must be observed. Irregular proceedings, how treated.

It appears from the record that certain members of the Synod of West Tennessee met at Knoxville, Tenn., October 12, 1848, and constituted themselves the Synod of West Tennessee, contrary to the Form of Government, Chap. xi, Sec. 2, there being seven ministers present, but four of them were from one Presbytery.

1. The Assembly declare all proceedings and acts of those members of the Synod of West Tennessee found recorded on pp. 214–230 unconstitutional and invalid, except so far as relates to the appointment of the time and place for the next meeting of Synod.

2. That the Synod be directed to review, at its first regular meeting hereafter, the proceedings and acts of said members of the Synod, and

that they adopt or reject the same, in whole or in part, as they may see fit.—1849, p. 248, O. S. See 191, p. 144.

3. The acts of less than a quorum are unconstitutional and void.

a. In regard to the minutes of 1855, Synod of Arkansas, the Assembly declares:

1. That the proceedings and acts of the members of said Synod, met at Little Rock, September 20, 1855, are unconstitutional and void—inasmuch as they proceeded without such a quorum as the Constitution requires—except so far as relates to the appointment of the time and place of the next meeting.

2. The Synod is directed to review, at its next regular meeting, the proceedings and acts of said members, and to adopt or reject them, in whole or in part, as they may see fit.—1856, p. 539, O. S. See 191, p. 144.

b. The Judicial Commission appointed in the case of the Appeal and Complaint of James A. Rainey presented its report, as follows:

Report of the Judicial Commission appointed to find judgment in the case of the Appeal and Complaint of the Rev. James A. Rainey against the action of the Synod of Atlantic, viz.: Judicial Case, No. 2:

Finding.—It appears from the records of the Synod of Atlantic that the action complained against by Rev. James A. Rainey was taken without a quorum required by the Constitution, and that therefore said action was unconstitutional and is void.

The Synod is directed to review at its next regular meeting the proceedings and action regarding this case, and complained against by Rev. James A. Rainey, and to adopt or reject them, in whole or in part, as the Synod may determine.

The report of the Commission was confirmed, and its finding entered on the minutes.—1891, p. 144.

4. Meetings pro re nata constitutional.

a. The Committee of Overtures also reported Overture No. 13. This overture was taken up, and is as follows, viz.: "An answer is requested to the following question, viz.: Has the Moderator of a Synod a right to call a meeting of the Synod during the interval of its stated sessions?"

Resolved, by the Assembly, That this question be answered in the affirmative.—1829, p. 268.

b. The Assembly took up the protest and complaint of a minority of the Synod of Virginia against a decision of said Synod in favor of called meetings of Synod. The complainants and Synod were heard, after which it was resolved that the complaint be not sustained.—1832, p. 368.

c. The Committee on the Records of the Synod of Tennessee reported that after a careful examination of those records they find them correct; and the attention of the Committee having been called to the report of a Committee of the Synod of Tennessee relating to the constitutionality of a called meeting of said Synod, convened in accordance with a declaratory resolution of the General Assembly of the Presbyterian Church in 1796, and found on page 321 of the *Digest* published in 1820 after a careful examination of the whole subject, they recommend the following action in the case: That in the judgment of this General Assembly the meeting of the Synod of Tennessee at Knoxville, in said State, on the

ninth day of November, was in accordance with the Constitution of the Presbyterian Church, and the Assembly do so declare. The report was adopted.—1855, p. 16, N. S.

5. The authority for a meeting pro re nata is not found in Chap. x, Sec. x, Form of Government.

The Committee appointed to examine the records of the Synod of Michigan reported, recommending their approval as far as written, with this exception, viz., the calling of a *pro re nata* meeting at Petersburg, September 4, 1873, for the purpose of changing the time of the regular meeting, in order that the Synod might not be in session during the meeting of the Evangelical Alliance in the city of New York.

It appears from the record that the Moderator issued a call for this special meeting of the Synod, basing his authority on the Form of Government, Chap. x, Sec. x.

Your Committee think that this section refers to Presbyteries, and not to Synods.

The report was adopted.—1874, p. 85.

[NOTE.—In this case the Assembly is not to be understood as denying the constitutionality of the meeting *pro re nata*, but the relevancy of the authority quoted.

The authority for calling a meeting *pro re nata* of Synods is to be found in Form of Government, Chap. xix, Sec. ii, last clause. See also next below.]

6. A pro re nata meeting to approve the minutes sustained.

The Committee on the Minutes of the Synod of Cincinnati, *inter alia*, call the attention of the Assembly to two protests—one, the minutes of the Synod against important action of that body; the other, the act of the Moderator in convening a *pro re nata* meeting of the Synod to approve the minutes. Your Committee, after careful consideration, are of the opinion that both these actions should be approved. Adopted.—1878, p. 118.

7. The Moderator must specify the object of the meeting.

The records of the Synod of Kentucky were approved, except the record of a meeting of Synod, which was convened pursuant to call of the Moderator, without a specification of the object for which they were convened.—1823, p. 74.

8. When a Synod has failed to meet on its adjournment, the Moderator is competent to call a meeting.

As it appeared from the representations of ministers and elders assembled at Yorktown, the 20th of October, 1795, and signed Robert Davidson, that the Synod of Philadelphia did not meet according to its last adjournment, nor since the time to which it was adjourned: On motion,

Resolved, That the Moderator of the Synod of Philadelphia, the Rev. Dr. Robert Davidson, ought to be considered as competent to call a meeting of the same, and that he do accordingly call a meeting, to be held in the Third Presbyterian Church in the city of Philadelphia, on the fourth Wednesday of October next; and that he give due notice thereof by a circular letter to the Moderators of the several Presbyteries composing the said Synod, whose duty it shall be to acquaint the other members.

Resolved, as the opinion of the Assembly, That from the nature of the thing, two or more members of any judicatory, meeting according to

the adjournment, may adjourn from day to day until a sufficient number attend for the transacting of business, and in case a quorum should not attend within a reasonable time, that the Moderator shall be considered as competent to fix any time and place he may judge proper for convening the body; and if he be absent, that the members assembled shall represent the matter speedily to him, that he may act accordingly.—1796, p. 113.

9. The Assembly may fix time and place.

A request from the Moderator of the Synod of Upper Missouri, that as the Synod failed to meet last fall, according to adjournment, in Kansas City, owing to the distracted state of the country, the Assembly would enjoin upon said Synod to meet in Liberty Church, Clay county, Missouri, on the 1st day of October next, at 7 o'clock P.M.

The Committee recommend that the request be granted, and the Synod be and hereby is directed to meet accordingly.—1862, p. 596, O. S. Time changed to October 8, and report adopted.—p. 610,

At the same meeting a similar request from the Synod of Baltimore was answered in the same manner.—p. 596, O. S.

Also Synod of Missouri, N. S.—1862, p. 14; O. S., 1842, p. 16.

On petition of the Presbytery of Albany, the Assembly changed the time of the meeting of the Synod of Albany on account of the meeting of the Evangelical Alliance.—1873, p. 525; Synod of China, 1888, p. 57; Synod of New Jersey, 1896, p. 48.

10. Moderator may not change the time of meeting.

a. *Resolved*, That the records of the Synod of North Carolina be approved, with the exception of the postponement of the regular meeting of Synod by the Moderator, which this Assembly consider irregular.—1848, p. 36, O. S.

b. Records of the Synod of Illinois approved, except in the case of the action of that body, as recorded on page 415, sustaining the act of the Moderator of the Synod in changing the time of its annual meeting.—1854, p. 500, N. S.

11. Action of Synod, changing the place of meeting, legalized.

Overture from the Synod of New York, asking the Assembly to acknowledge and authorize the regularity of a meeting of the Synod, which was held at Peekskill in October, 1880, instead of at Newburyport, according to previous adjournment. Reasons beyond the control of the Synod made the change necessary, and the action of the Synod was unanimously approved by its own members. The Committee recommend that the action of the Synod be hereby legalized. Adopted.—1882, p. 95.

12. How the place of meeting may be changed.

Overture, from the Presbytery of Lansing, asking the Assembly to provide a plan for the more convenient change of place for the meeting of a Synod when it proves to be impracticable for it to meet at the place to which it stands adjourned.

The Committee recommends the following answer:

Whenever, from any cause, it shall be necessary to change the place of the regularly appointed meeting of a Synod, its Stated Clerk shall, at the request of the Stated Clerks of at least three fourths of its Pres-

byteries, be authorized to secure another place of meeting, and to issue his official call for the meeting of the Synod accordingly. Adopted.—1884, p. 78.

13. Business session on the Sabbath censured.

a. The Committee appointed to examine the records of the Synod of North Carolina reported, when the records were approved, with the exception that on page 48 it is recorded that Synod held a session on Sabbath evening. This was the closing meeting; and though it does not seem to have been one of much business, still, in the opinion of the Assembly, it was not proper.—1834, p. 445.

b. The records of the Synod of Peoria approved, with the exception "that on page 33 there is the record of a business meeting held on Sabbath evening."—1846, p. 18, N. S.

c. The records of the Synod of South Dakota were approved with the following exception, viz., Exception is taken to the transaction of business on the Sabbath day, as recorded on pp. 307–309 of the minutes, session of Sabbath evening, October 9, 1892.—1893, p. 213.

III. The same rule, as to corresponding members, which was laid down with respect to the Presbytery, shall apply to the Synod.

[Note.—The rule is as follows: (Form of Government, Chap. x, Sec. xii):
"Ministers in good standing in other Presbyteries, or in any sister churches, who may happen to be present, may be invited to sit with the Presbytery as corresponding members. Such members shall be entitled to deliberate and advise, but not to vote in any decisions of the Presbytery."
For decisions under it, see *ante*, Form of Government, Chap. x, Sec. xii, p. 228.]

1. The record should name the body to which a corresponding member belongs.

a. The proceedings of the Synod of Albany approved, with the exception of having invited several ministers to take their seats as corresponding members, without describing the ecclesiastical body to which such ministers belong.—1815, p. 578.

b. The records of the Synod of Illinois approved, "except the Rev. Messrs. James H. Dickey, Dewey, Whitney and W. Comstock, ministers of the Church of Jesus Christ, being present, were invited to sit as corresponding members," the bodies to which the ministers respectively belong not being mentioned.—1840, p. 296, O. S.

c. The records of the Synod of Peoria were approved, with the exception that on page 28 mention is made of a minister being invited to sit as a corresponding member without designating the ecclesiastical body to which he belonged.—1846, p. 18, N. S.

d. The records of the Synod of Illinois, p. 440, "do not state the ecclesiastical connection of the Rev. Amasa Lord, who was invited to sit as a corresponding member."—1857, p. 387, N. S.

e. The Synod of Tennessee, with the exception that a minister was invited to sit as a corresponding member from the "Holston Conference," no denominational designation being given to the Conference.—1895, p. 125.

IV. The Synod has power to receive and issue all appeals regularly brought up from the Presbyteries, *provided*, That in the trial of judicial cases the Synod shall have power to act by commission, in accordance with the provisions on the subject of Judicial Commissions

in the Book of Discipline; to decide on all references made to them; its decisions on appeals, complaints and references, which do not affect the doctrine or Constitution of the Church, being final; to review the records of Presbyteries, and approve or censure them; to redress whatever has been done by Presbyteries contrary to order; to take effectual care that Presbyteries observe the Constitution of the Church; to erect new Presbyteries, and unite or divide those which were before erected; generally to take such order with respect to the Presbyteries, Sessions and people under their care, as may be in conformity with the Word of God and the established rules, and which tend to promote the edification of the Church; and, finally, to propose to the General Assembly, for their adoption, such measures as may be of common advantage to the whole Church.

[NOTE.—As amended, 1880, p. 74; 1881, p. 524; 1884, p. 89; 1885, p. 637.]

1. The Synod has appellate, but not original, jurisdiction.

a. The Assembly having maturely considered the appeal of Mr. Davis from the proceedings of the Synod of the Carolinas in his case,

Resolved, That, although they highly approve of the zeal of the Synod to preserve the purity and peace of the Church within their bounds, yet they cannot but decide that in their proceedings in the above case, in deciding that they had a right to try Mr. Davis, when there was no reference nor appeal in his case before them, they have not strictly adhered to the Constitution of the Presbyterian Church.—1810, p. 448.

b. The Committee appointed to report on the petition of the Presbytery of South Carolina relative to a reconsideration of a decision of last Assembly reported, and recommended the reconsideration. Their report was rejected and the Committee discharged. Whereupon,

Resolved, That though the General Assembly regret the dissatisfaction of the Presbytery of South Carolina in the case of Mr. Davis, yet they cannot see it to be expedient or proper to reconsider the judgment of the General Assembly of last year on the case in question.—1811, p. 468.

c. That the Synod (of Genesee) seem to have forgotten the nature and limits of their appellate, as distinguished from the original, jurisdiction in the case, in that they censure at their bar the appellant in a way competent, in any circumstances, only to the Session of the church to which the appellant was primarily amenable.—1840, p. 11, N. S.

2. The Synod may not institute judicial process.

The proceedings of the Synod of Cincinnati, in the institution and prosecution of judicial process against William Graham, are unconstitutional and irregular, and therefore null and void; and the Synod is hereby enjoined to take constitutional action in the case, and to revise and correct its proceedings accordingly.—1846, p. 31, N. S.

[NOTE.—See Book of Discipline, Chap. iv, Sec. xviii.]

3. The Synod may reverse and correct the action of Presbytery, but must observe the rules of discipline.

The Assembly having heard the complaint of the Presbytery of Carlisle against the Synod of Philadelphia, in the case of William S.

M'Dowell, with the facts and arguments offered both by the Presbytery and the Synod, judge that the Synod had a constitutional right to reverse the decision of the Presbytery in this case, either in whole or in part, as to them might seem proper, but that in the exercise of this right the Synod have not duly regarded the principles of discipline prescribed in the Constitution; inasmuch as it appears by their records that they have removed all censure from a man whom they declare to be deserving of rebuke, without directing that rebuke to be administered, and without receiving any evidence of his penitence.—1823, p. 81.

4. The Synod has jurisdiction over the members of an extinct Presbytery not received by any other Presbytery.—1825, p. 147.

[NOTE.—See above, Chap. x, Sec. viii; also Book of Discipline, Chap. xi, Sec. cxiii.]

5. A Synod visits a church to ascertain the acceptability of its elders.

a. *Resolved*, That the Assembly expresses no opinion upon the action of the Synod (of New Jersey) in appointing a Committee to visit the Third Church, Newark, in order to ascertain if any member of the Session were unacceptable to the people.—1862, p. 631, O. S.

b. The next year the complaint of William B. Guild against the action of the Synod was sustained *pro forma*.—1863, p. 35, O. S.

6. Synod may direct the dissolution of the pastoral relation.

A Synod directs a Presbytery to dissolve the pastoral relation, and on complaint to the Assembly is sustained. (See above, Chap. x, Sec. viii, etc., appeal of Jos. Connell *vs.* Synod of Pittsburgh.)—1868, p. 648, O. S.

7. The Synod has power to direct a Presbytery to issue a certificate of dismission.

No. 2 is an appeal of Mrs. Nannie J. Dull from the action of the Synod of Harrisburg. The facts, as set forth in this appeal, are these: The Session of the church of McVeytown, after being repeatedly directed by the Presbytery of Huntingdon to grant Mrs. Dull a certificate of dismission, still refused to do so; thereupon the Synod of Harrisburg ordered the Presbytery to issue to her a certificate of good and regular standing in the church of McVeytown. This order was complied with by the Stated Clerk of the Presbytery. This certificate Mrs. Dull returned to the Stated Clerk, and appeals from the action of the Synod, on the ground "that such certificate not being, in her judgment, in accordance with the Discipline of our Church, must necessarily be considered not a valid document, and must arouse suspicion unless endorsed by the highest authority." Your Committee recommend the following action by the Assembly in this case: The Synod had the power to issue the order complained of, and the certificate so issued is a valid document. Adopted.—1875, p. 511.

8. The Assembly will not entertain appeals which do not affect the doctrine or Constitution of the Church.

[NOTE.—See under Book of Discipline, Chap. ix, Div. iv, "Of Appeals," Sec. xcv, pp. 723–729.]

a. Complaint of Rev. N. West, D.D., against the Synod of Minnesota. A careful examination of the instructions of the last General Assembly, of the action of the Synod of Minnesota, and of the

Complaint of Dr. West, fails to discover any question of doctrine or any constitutional question involved in the decision of the Synod of Minnesota, or presented in the Complaint of Dr. West, which would justify the consideration of this Complaint by the General Assembly. In the judgment of your Committee, the action of Synod being final, according to our law, the Complaint of Dr. West cannot come properly before the Assembly. We recommend, therefore, that the Complaint of Rev. Dr. West be dismissed. Adopted.—1891, p. 143.

[NOTE.—See *Minutes*, 1890, p. 109; and the report in full, 1891, pp. 143, 144.]

b. Appeals of John W. Ellis, D.D., *vs.* the Synod of the Pacific.—1892, p. 214.

c. Appeal of E. C. Battelle *vs.* Synod of Nebraska dismissed. . . . . "The questions involved do not affect the doctrine or constitution of the Church."—1896, p. 84.

V. The Synod shall convene at least once in each year; at the opening of which a sermon shall be delivered by the Moderator, or, in case of his absence, by some other member; and every particular session shall be opened and closed with prayer.

1. The above rule construed literally, and must be obeyed.

a. The records of the Synod of Pittsburgh approved, except "that at the opening of the Synod no sermon was delivered, as the Constitution requires, but on the following evening."—1827, p. 205.

b. The records of the Synod of Albany, except that "the Synod was opened without a sermon, whereas the Form of Government, Chap. xi, Sec. v, requires that a sermon shall be preached."—1843, p. 181, O. S.

c. Records of Synod of Buffalo, except,

3. That it appears by the record on page 75 that a meeting of the Synod was opened without a sermon, whereas the Form of Government, Chap. xi, Sec. v, requires that a sermon shall be preached.

And again, on page 79, that at the opening of the Synod no sermon was delivered, as the Constitution requires, but on the following evening. —1856, p. 520, O. S.

2. The records should state that the meetings were opened and closed with prayer.

[NOTE.—See under Book of Discipline, Chap. ix, Sec. lxxii, censures of Synods for failing to record the opening or closing with prayer.]

VI. It shall be the duty of the Synod to keep full and fair records of its proceedings, to submit them annually to the inspection of the General Assembly, and to report to the Assembly the number of its Presbyteries, and of the members and alterations of the Presbyteries.

[NOTE.—For exceptions to the records of Synods, see below, and also under Book of Discipline, Chap. ix, Sec. lxxii.]

1. The records must be full and fair. Reasons for decisions must be recorded.

a. Synod of Pittsburgh, except resolution on page 74, disapproving of the proceedings of a Presbytery, without assigning the reasons.—1820, p. 728.

b. Synod of Ohio, except a minute on page 243, disapproving of a decision of a Presbytery, and ordering said Presbytery to reconsider that decision, without any reasons being assigned.—1827, p. 202.

c. The Synod of Onondaga approved with the following exception:

On page 186 we find the Synod administering censure to the Presbytery of Cayuga for an act of discipline toward one of its churches, on the ground that the *reasons* for such discipline were not given according to the requirements of our Book of Discipline; yet on the next page we find said Synod reaffirming the acts of a church censured by its Presbytery, and reversing the decision of the Presbytery without giving the required reasons for such a singular proceeding.

The report was adopted.—1863, p. 277, N. S.

d. The Synod (of Illinois) have not discharged their duty. They ought to have spread upon their record everything which influenced their judgment in the case.—1840, p. 303, O. S.

2. The subject matter of the complaints must be recorded.

1. The records of the Synod of Cincinnati were approved with the following exceptions, that on page 36 the minute is defective in that a complaint was received, referred and decided, without any statement with regard to the subject matter of said complaint.

2. This defect in the record disables this Assembly from deciding as to the validity of the recorded reasons given for the decision of the Synod in the case on page 37.

3. This defect in the minutes is the more to be excepted against, inasmuch as it records the implied censure of the complainant, while the Assembly is deprived of the opportunity to pass upon the case.—1866, p. 50, O. S.

3. Reasons for judicial action must be recorded.

a. The Committee appointed to examine the records of the Synod of Harrisburg reported, recommending their approval, with the exception of the judicial case on pp. 179 and 180, in which the Synod found the papers of a complaint in order, and dismissed the case without assigning a reason. The report was adopted.—1874, p. 85.

b. The Committee on the Records of the Synod of the Pacific reported, recommending their approval with the following exceptions:

That a slight irregularity appears in the proceedings had in the case of the complaint of Rev. Frederic E. Shearer, and others, against the action of the Presbytery of San Francisco, in dropping from the roll the name of Rev. John D. Strong. From p. 532 it appears that the Synod refused to sustain the complaint, without recording any reason for its action. This exception corresponds with the action of the Assembly on Paper No. VIII of the report of the Judicial Committee. The report was adopted.—1881, p. 573.

c. The Committee on the records of the Synod of the Columbia reported, recommending their approval, with the following exception, to wit:

That in the case of an appeal of Rev. Isaac H. Condit *in re* Presbytery of Oregon *vs.* Rev. Harlan P. Peck, it appears that the Synod, after hearing the case and taking its final vote, on notice of an appeal against the findings of the Synod decided to postpone further action in the case until after hearing the decision of the Assembly, and that "no

formal minute of the action of the Synod was entered upon its records, and no reasons for its action given." (See Rep. Judicial Com., Paper No. XI.) The report was adopted.—1881, p. 593.

[NOTE.—See Book of Discipline, Chap. iv, Sec. xxiv.]

4. Synod of Atlantic, defects excepted to and the Synod required to review and correct its proceedings, which were of a judicial character.

The records of the Synod of Atlantic were approved with the following exceptions:

1. That the minutes lack in fullness. Important reports are referred to as on file, which should appear on the minutes (see pages 413 and 414) (*Digest*, 194, 513). On page 417 a paper is recorded without reference to its source, or whether it was acted on by the Synod. The minutes are not complete enough to give the knowledge properly to judge of the proceedings in many cases.

No report of the Committee on Leave of Absence is made, enabling one to determine the state of the roll after it was made up at the opening of the session.

The Synod omitted to approve the minutes of the last day of its meeting before sending their records to the Assembly.

2. The irregularity of its proceedings in entering upon the transaction of business without a quorum.

And also, although a quorum was subsequently present, the issuing of a judicial case by a vote of five to one.

Your Committee would recommend that with respect to the irregularity of its proceedings, this Assembly direct the Synod of Atlantic to review and correct so much of its proceedings as were of a judicial character, in accordance with the provisions of the Book of Discipline (Chap. lxxiv), care being had in such review and correction to the direction of this Assembly in the matter of the appeal of the Rev. James A. Rainey against the Synod of Atlantic (see p. 144), no part of this recommendation being understood as characterizing the proceedings as other than irregular.—1891, p. 188.

5. Records should show a complete roll and action upon reports; censure may not be passed without trial or self-accusation.

The records of the Synod of North Dakota were approved with the following exceptions:

1. The roll of Synod fails to record absentees (*Minutes*, General Assembly, 1882, p. 94).

2. On p. 5 of the minutes it is stated that the names of additional members were added, but the names were not given, and the record nowhere shows the completed roll of members in attendance.

3. On pp. 31 and 32 of the minutes the report of the Committee on Finance is recorded, but the record fails to show any action thereon. The report should in some way have been acted upon or excluded from the records.

4. We note that in the appointment of Standing Committees of Synod, in four out of seven no elder was appointed, and while we do not make exception, we would suggest that it is more in conformity with

Presbyterian usage to put elders with ministers on Committees, thus giving proper recognition to the eldership.

5. In the judgment of the Committee, the Synod erred in striking out the exceptions named in the report of Synod's Committee on the Records of Minnewaukon Presbytery, and in so doing sustained the action of the Presbytery in adopting the recommendation of its Judicial Committee that a vote of censure should be passed upon the Rev. R. J. Cresswell, without trial and without his coming forward as his own accuser, as provided in Sec. 47 of the Book of Discipline.—1896, pp. 154, 155.

6. Judicial cases must be described; their character defined and the significance of and reasons for the judgment set forth.

a. The records of the Synod of Philadelphia were approved, with the following exceptions, viz.:

1. That there is no record of absentees from the meeting.

2. That it appears, from page 282, that an appeal and complaint was issued in the usual form, without any intimation of what the sentence or proceeding was against which the complaint was made.

3. That it appears, from page 273, that another complaint was issued, without any record of the proceeding complained of, or the body whose proceeding was the subject of complaint.—1852, p. 216, O. S.

b. Exception to the records of the Synod of Cincinnati. On pp. 6 and 13 a complaint was received, referred and decided, without any statement in regard to the character of said complaint.—1865, p. 553, O. S.

c. The records of the Synod of Pennsylvania were approved with the following exceptions:

1. That in Judicial Cases Nos. 2, 3 and 6 the cases are not stated in the records as required (see Moore's *Digest*, 1886, p. 658, 4).

2. That in Case No. 3 neither the facts in the case nor the judgment was entered upon the record.—1893, p. 213.

d. The records of the Synod of Ohio were approved, with the exceptions: 1. That on page 77 it is stated that after discussion certain resolutions were adopted as follows. None of these resolutions appear on record, and their character is not described. 2. In a judicial case, on its issue, the final record, containing the sentence of the court, is defective, inasmuch as its statement gives no clue to the merits or significance of the decision, or the reasons for it.—1861, p. 315, O. S; see 1895, pp. 124, 125.

e. The Committee on the Records of the Synod of Pennsylvania recommended their approval "with the exception of the fact that the particulars in the complaint of the Rev. John Peacock against the Presbytery of Philadelphia North are not fully recorded, in agreement with the requirements of our Form of Government, and the requirements of the *Digest* of 1886. Adopted.—1889, p. 134.

f. The records of the Synod of Michigan were approved, with the exception that the minute on page 29, taking exception to the records of the Presbytery of Grand Rapids, does not show the matter of error alleged against the records of said Presbytery.—1894, p. 181.

[NOTE.—See Book of Discipline, Of Complaints, Secs. lxxxiii-xciii, Of Appeals, Secs. xciv cii.]

7. The subject-matter of a complaint, and the disposal made of it, must be recorded.

a. The Committee on the Records of the Synod of Illinois Central recommended their approval, as far as written, with the following exceptions:

1. That notice appears, on p. 241, of a complaint made by Rev. Arthur Rose, against the Presbytery of Peoria, which was taken up by the Synod, considered and voted upon, and reasons for the vote were given, while the subject-matter of the said complaint is not recorded. This defect disables this Assembly from deciding as to the validity of the reasons given for the vote of the Synod in this case.

2. It does not appear from their records whether the Synod took farther action upon said complaint than to vote upon it, and give reasons for that vote; thereby leaving this Assembly in doubt whether the Presbytery complained of was censured, or whether the matter of the complaint was referred back to them for readjudication, or whether the Synod dropped it entirely. Adopted.—1878, p. 60; also 1883, p. 688.

b. The records of the Synod of Baltimore were approved, with the exception that on pp. 327 and 348 the Synod records the issuing of "Judicial Cases" "No. 1" and "No. 2," but in neither case is the subject-matter of the complaint recorded, and the Assembly is left without the means of knowing what was decided. This is not "a full and fair record of its proceedings," as required by the Form of Government, Chap. xi, Sec. vi. (See Moore's *Digest*, 1886, p. 194, 1, c and g; also *Minutes* of the General Assembly, 1878, p. 60.)

Inasmuch as the Synod is now, in most cases, the final appellate judicatory, it is essential to the right discharge of the duty of review and control by the Assembly that an intelligible statement be made by the Synods of every case judicially decided by them.—1885, p. 661.

8. The Synod directed to correct its records so as to conform to the facts in the case.

The records of the Synod of Nebraska were approved with the following exceptions:

1. The mistake in the date of the year, beginning on p. 22, and running to the end of the minutes; which mistake the Stated Clerk of said Synod is hereby directed to correct.

2. The record in the judicial proceedings in the case of Rev. W. R. Smith, appellant, against the Presbytery of Hastings (p. 35); which record is defective in the following particulars, viz.:

(1) There is nothing in the record to show the grounds of appeal.

(2) The record does not show that both of the original parties were heard on the question of sustaining the appeal, and that the roll of the Synod was called to give members an opportunity to express their opinion upon the case.

3. There is no record whatever of any vote upon the question of sustaining the appeal; and the words, "Synod resolved to *entertain* the appeal," are wholly inappropriate and insufficient to express the final decision of the Synod upon that question.

Your Committee recommend that the said Synod be directed to correct these defects so that the record shall conform to the actual facts in the case. Adopted.—1885, p. 662.

[NOTE.—See Book of Discipline, Chap. ix, Div. iv, Sec. xcix.]

9. A special record must be sent up of all judicial decisions.

In view of the importance of the judicial decisions made by Synods and Synodical Commissions, the Synods are enjoined to send up to the Assembly, in special communications, all records of such decisions.—1885, p. 662.

[NOTE.—See *Minutes*, 1886, p. 72; 1887, pp. 68, 74; 1890, pp. 129, 130.]

10. The records must be "full and fair."

[NOTE.—See under Book of Discipline, Chap. ix, Sec. lxxii.]

11. The records should be fair and without abbreviations.

a. The records of the Synod of Northern Indiana were approved, with the exception of the mode of recording the minute of a joint session of the two Synods of Indiana and Northern Indiana, which, instead of being written, is cut from a newspaper and pasted in the book.—1868, p. 640, O. S.

b. The records of the Synod of Texas approved, except that there are too many abbreviations used in the record of proceedings.—1883, p. 688.

12. The records should be fair. Corrections may not be made after their review by the Assembly.

The Committee on the Records of the Synod of Atlantic presented the following report, which was adopted:

The Committee respectfully report to the General Assembly:

That the record-book of the Synod of Atlantic placed in their hands has been found to contain eight and one-half pages of *printed* matter which professedly set forth the transactions of this Synod during a session held in December, 1877; at the end of which printed matter a name appears as that of the Stated Clerk, as "Attest," but in print only. No written account of the proceedings or of any part of them is found.

In the judgment of your Committee, therefore, the record required by our Form of Government (see Chap. xi, Sec. vi) has not been sent up for review by the Assembly; what appears to be a copy of their transactions has been placed in the record-book.

Your Committee could not feel justified if they should recommend the approval of this *copy*, although on learning from other sources that the printed matter is a copy, they have not questioned its correctness, and have examined carefully what has been sent up in this form.

If the transactions of this session of the Synod of Atlantic had been found recorded, your Committee would have recommended their approval with the following important exception: on p. 98 of the record-book appears the statement that the minutes, approved by the Assembly of 1876, were, *after* that endorsement, corrected by the Synod themselves at this session of 1877. Nor are the corrections specified or indicated.

Under a sense of the great importance of accuracy in the records of our Church judicatories, and of their preservation in written form intact after their examination and endorsement by the Assembly, your Committee, while commending the excellent spirit of devotion and labor apparent in the matter offered for review by this Synod as regards their efforts for the Church and for the elevation of their race, respectfully recommend to the Assembly the adoption of the following resolutions:

1. That the Synod of Atlantic be and hereby are directed to record the minutes of the session of December, 1877, and submit the record to the next General Assembly.

2. That this Synod report to the next Assembly the corrections appearing to have been made to their minutes *after* their review by the previous Assembly of 1877.—1878, p. 52.

13. Sundry omissions and irregularities censured.

The records of the Synod of Wisconsin were approved, with the following exceptions, viz.:

1. The records are marked by several verbal omissions and the neglect of orthography and punctuation, and the absentees of 1852–1853 are not recorded.

2. During the sessions of 1852 there is no evidence that the Synod read, corrected or approved the records, though on page 16 it appears that the records of that year were read twelve months after in Synod, though still there is no evidence that they were approved by it. The minutes of 1853 do not appear to have been ever read or approved in Synod. And the records of 1854 were not read and approved till the meeting of 1855.

3. On page 23 it appears that the Synod, October 13, 1853, adjourned to meet at Neenah the second Thursday of October, 1854. A quorum having failed to meet at that time, the members present adjourned to a *different time and place* (Madison, October 26), and there is no evidence that any steps were taken to cause their Moderator to notify all the ministers and church Sessions of the new meeting. This is contrary to the spirit of the precedents approved by the Assembly (see *Minutes*, 1796, p. 113; Baird, p. 212), and transcends the liberty allowed for such cases by the third general rule for judicatories.

4. On pages 23, 27 and 32, are recorded adjournments without any evidence that the sessions were closed with prayer.

5. On pages 35, 36, the report of a Committee of Review on the Records of the Presbytery of Dane, containing an exception against the action of the Presbytery for appointing Rev. J. W. Sterling its *lay* commissioner to the General Assembly, is entered on the records of Synod without any record of its adoption by Synod; and again it is stated that this report was amended by striking out the exception, and there is still no evidence of its adoption as amended. Also, on pages 39, 40, the report of a Committee touching the complaints of J. Y. Smith is made a part of the records of Synod, though, so far as these records show, it was only *accepted* and *laid on the table.*

6. The records of the Synod's action on the complaints of said J. Y. Smith against the Presbytery of Dane are not complete enough to fulfill the demands of the Book of Discipline, (old) Chap. iv, Sec. xxiii (new, Chap. iv, Sec. xxiv), which says that the record ought to "exhibit everything which had an influence on the judgment of the court." No exception is proposed against the *action* of Synod touching those complaints, inasmuch as they have been brought before this Assembly through another channel (the Judicial Committee) and passed upon.—1856, p. 520, O. S.

14. Papers must be preserved, pages numbered.

The Committee on the Records of the Synod of Wisconsin presented the following report, which was adopted:

The Committee on the Records of the Synod of Wisconsin report, recommending their approval as far as written, with these exceptions:

1. The pages are not numbered. 2. There seems to have been a want of proper care in the preservation of papers, as the Committee on the Minutes of the General Assembly made a verbal report which was accepted, but the report is wanting. This thing the Synod itself condemns in the case of the Presbytery of Dane.—1865, p. 541, O. S.

15. Overture answered must be described.

The Committee on the Records of the Synod of Pittsburgh presented the following report, which was adopted:

The Committee on the Records of the Synod of Pittsburgh report, recommending their approval, with exception of a minute, page 152, of the records, where an overture from the United Presbyterian Synod of Pittsburgh appears to have been answered without any description being given of it.—1865, p. 541, O. S.

16. The record must state the character of a complaint and whether due notice was given. Reports adopted must be recorded. Record must be made of action taken.

a. The records of the Synod of the Columbia were approved with the following exceptions:

1. That a complaint was received and issued against the Presbytery of Oregon in the usual form, without statement in regard to the character of said complaint.

2. That the records do not show whether notice of said complaint was given to the Presbytery of Oregon, either before its rising or within ten days thereafter.

3. That a report was recommitted to the Committee of Bills and Overtures, and no record is made of its further disposition (p. 261).

4. That the report of the Committee on Home Missions, Indian Affairs, and Church Erection, with recommendations, was adopted, and no record is made of the recommendations, or even upon which, if any, of the three different parts the report was made.—1883, p. 688.

b. The minutes of the Synod of Minnesota were approved, with the following exception:

In several instances the written minutes merely state that reports are made, which reports were received and adopted, while the minutes show that such reports contained important recommendations or resolutions. —1884, p. 116.

c. The records of the Synod of Missouri were approved, with this exception, to wit:

The report of the Standing Committee on Schools and Colleges is entered in full upon the records, pp. 333 to 335, but no action of the Synod with respect to this report is recorded.—1883, p. 688.

d. The records of the Synod of Texas were approved, with the exception: That on pp. 223 and 224, the record is made of the approval of reports of Committees on Systematic Beneficence, Publication and Foreign Missions, but no record of the reports themselves, nor of their having been placed on file.—1890, p. 105.

e. The records of the Synod of North Dakota for 1888 were approved. The records of the same Synod, for 1889, were approved, with the following exceptions: 1. The omission from p. 3 of a report, which had been received and adopted. 2. There is no record that the

minutes of the last three sessions of the Synod were approved.—1890, p. 105.

f. The records of the Synod of South Dakota were approved with the exception that the report of the Committee on Home Missions, after being adopted, was recorded only "substantially" instead of in full.—1894, p. 181.

g. The records of the Synod of Kansas, except that in three places, viz., pp. 346, 347, it is stated that the report of a certain Committee was adopted, but the report itself is not given either in form or substance.—1895, p. 124.

h. The records of the Synod of North Dakota for 1893 and 1894 were approved, with the following exceptions:

Minutes of 1893: 1. That the written reports of the Committees are not attached to the minutes, and that the resolutions and recommendations of the same are not written up and embodied in the minutes.

2. That the report of the Synodical missionary referred to on p. 6, as filed under N, does not appear in the minutes, nor on the file.

3. That the exceptions of the Synod's Committee on the Minutes of the Presbytery of Bismarck (see p. 6) do not appear in the minutes of the Synod, and are not clearly written upon the file.

Minutes of 1894: That the Treasurer's report, p. 18, is neither attached to the minutes nor on file.—1895, pp. 124, 125.

i. The records of the Synod of Texas were approved, with the following exception: That on pp. 223 and 224, the record is made of the approval of reports of Committees on Systematic Beneficence, Publication and Foreign Missions, but no record of the reports themselves nor of their having been placed on file.

The records of the Synod of North Dakota for 1888 were approved. The records of the same Synod for 1889 were approved, with the following exceptions: 1. The omission from p. 3 of a report, which had been received and adopted. 2. There is no record that the minutes of the last three sessions of the Synod were approved.—1890, p. 105.

k. Synod of North Dakota, except that the report of the Committee on Finance is recorded, but the record fails to show any action thereon.—1896, p. 155.

17. A narrative of the state of religion should be prepared and recorded.

a. The records of the Synod of Illinois were approved, with the following exception, viz.:

At the sessions of Synod in October, 1846, it does not appear from the records that a narrative of the state of religion was prepared. Such an omission is considered contrary to the general usage of Synods, and not for the edification of the Church.—1849, p. 176, N. S.

b. The records of the Synod of Illinois were approved, except "that they do not contain the narrative on the state of religion which was presented by the Committee on that subject at the sessions of the Synod in 1854, p. 434."—1857, p. 387, N. S.; 1861, p. 462, N. S.; 1862, p. 28, N. S.

c. *Resolved*, That the Assembly earnestly recommend to the Presbyteries and Synods to record in their minutes the narrative of religion, and all other important papers.—1870, p. 91.

d. The records of the Synod of Illinois approved except in the omission of the narrative.—1881, p. 593.

e. The records of the Synod of Washington were approved, with the following exceptions:

The omission of the report of the Treasurer, p. 23; of the report concerning Spokane University, p. 33, and also of the narrative, p. 36. It is proper that these reports, as approved by Synod, should be engrossed, that a reference index of the minutes should be continued, and that care be taken in engrossing the minutes.—1892, p. 200.

18. The records must be presented annually.

a. *Ordered*, That the minutes of the respective Synods be laid yearly before the General Assembly, to be by them revised.—1789, p. 7.

b. Overture No. 6 was taken up, viz., a request of the Synod of Indiana, that the General Assembly be requested to dispense with Synodical reports in future.

Resolved, That this request cannot be granted because it is unconstitutional.—1830, p, 302.

c. *Resolved*, That the respective Synods make yearly reports to the General Assembly of all the licensures, ordinations and installments, translations and deaths, and whatever changes may take place among the members within their bounds.—1789, p. 7.

[Note.—See under Book of Discipline, Chap. ix, Sec. lxxi.]

d. The Committee on the Records of the Synod of Wisconsin reported that they have been subjected to an increased amount of labor in examining the minutes of this Synod in consequence of the failure of the Stated Clerk to send up the records annually to the Assembly, as our rules require. The minutes of this body have not been brought under the inspection of the Assembly since May, 1860, leaving an accumulation of four years of unexamined and unapproved records.

There are indications that the Stated Clerk has been delinquent in punctually recording the annual minutes as taken by the Temporary Clerk. In this way the records were probably not in readiness to be sent to the Assembly at the proper time by the commissioners annually appointed. The report was adopted.—1864, p. 482, N. S. [See 1856, p. 519, O. S.]

e. Records of the Synod of Wabash approved, except that they have not been presented to the Assembly since 1859.—1861, p. 462, N. S.

f. Records of Synod of Columbus, except that these records have not been presented to the Assembly since the reconstruction of the Synod in 1870.—1872, p. 68.

g. *Resolved*, That the Stated Clerk be directed to remind the Synod of Alta California of its neglect of duty in the failure for several years to send its records to the General Assembly for review.—1868, p. 15, N. S.

h. The Synods of Atlantic, China, Harrisburg, Illinois South, Indiana North, Kansas and Pacific were directed, at their next regular meeting, to call their Stated Clerks to account for not having sent up their records to this Assembly.—1872, p. 68.

i. Synod of Baltimore. No certified copy of the minutes present in the Assembly. Directed to send a certified copy of its minutes to the next Assembly.—1884, p. 116.

j. The records of the Synod of Texas were approved, with the exception that the minutes of this Synod were not presented last year to the Assembly for examination and review.—1894, p. 181.

k. The records of the Synod of North Dakota were not presented for review.—1894, p. 181.

19. The Synod of Tennessee directed to expunge certain matter.

That the attention of the Synod is called to the unhappy wording of a resolution on the inspiration of the Scriptures found on p. 223, and the Synod is directed to expunge the second clause of said resolution, beginning with the words, "and if there are any errors."—1895, p. 125.

20. The records must show all changes in the Presbyteries.

The records of the Synod of Albany approved as orderly and correct, excepting that the Presbyterial reports are not so fully recorded as to exhibit in detail even the changes which take place from time to time in the Presbyteries.—1811, p. 479.

21. Absentees must be called to answer, and reasons given for tardiness.

a. The Committee appointed to examine the records of the Synod of Virginia reported, and the book was approved to page 83, with the exception of a resolution found on page 82, in which the Synod determined to discontinue the practice of calling upon their members for the reasons of their absence from its meetings.—1825, p. 140.

b. Synod of New York, except "that reasons for tardiness do not appear to have been required of those who were not present at the opening of Synod."—1873, p. 506.

22. Names of absentees should be recorded, and excuse for absence required.

The records of the Synod of Peoria were approved, except "that in the roll of the Synod record is made that no members of the Presbytery of Belvidere were present, but no record of the names of absentees."—1850, p. 314, N. S.

a. The records of the Synod of Mississippi approved, except "that the absentees are not recorded in their meetings of 1854 and 1855."—1856, p. 538, O. S.

b. The records of the Synod of Philadelphia approved, except "that there is no record of absentees from the meeting."—1852, p. 216, O. S.

c. The records of the Synod of Philadelphia were approved, with the exception that no record is made of the names of absentees, and no excuse for absence required.—1868, p. 640, O. S.

d. Synod of Missouri, except that there is no record of absentees from the last meeting. (See Moore's *Digest*, 1873.)—1882, p. 94.

e. Synod of North Dakota, except (1) that the roll of Synod fails to record absentees (*Minutes*, General Assembly, 1882, p. 94).

(2) On p. 5 of the minutes, it is stated that the names of additional members were enrolled, but the names are not given, and the roll nowhere shows the completed roll of members in attendance.—1896, p. 154.

23. Synod may not suspend absentees without trial.

The records of the Synod of the Carolinas were approved, with the exception of the resolution to make a minister liable to suspension, without trial, for three years' absence from Synod, without sending forward his reason for absence.—1811, p. 468.

24. The minutes should be read and approved.

a. The records of the Synod of Cincinnati approved, except "the omission at the opening of each session to read the minutes of the previous session, with no evidence in the records that the minutes were approved by Synod."—1849, p. 177, N. S.

b. Synod of Wabash, except "that on pp. 51 and 52 the Synod met and proceeded to business without reading the minutes of the previous day's session. On page 59, the Synod closed its annual sessions and adjourned without reading or approving the minutes of the Clerk."—1854, p. 500, N. S.

c. The records of the Synod of Wisconsin, except that "during the sessions of 1852 there is no evidence that the Synod read, corrected or approved the records; though on p. 16 it appears that the records of that year were read twelve months after, in Synod, though still there is no evidence that they were approved by it. The minutes of 1853 do not appear to have been ever read or approved in Synod. And the records of 1854 were not read and approved till the meeting of 1855."—1856, p. 520, O. S.

d. The records of the Synod of Pennsylvania were approved, excepting "that it does not appear from the book that the records have ever been approved by the Synod."—1857, p. 387, N. S.

e. Synod of Arkansas, "the minutes were not read and approved."—1860, p. 34, O. S.

f. Exception (to the records of the Synod of Cincinnati) in not approving the minutes of the last day of the meeting of the Synod, held at Cincinnati, February 14, 1878, before their adjournment.—1878, p. 118.

g. The Synod of Minnesota adjourned without the reading and approval of their minutes of the last day of the session.—1884, p. 116.

h. The Synod of Atlantic omitted to approve the minutes of the last day of its meeting, before sending their records to the Assembly.—1891, p. 188.

i. There is no record that the minutes of the last three sessions of the Synod of Dakota were approved.—1890, p. 105.

25. No second approval of the minutes is required.

Overtures from the Presbyteries of Kittanning and Butler, asking whether it is necessary formally to approve, after they are engrossed, minutes which were approved before they were engrossed? Your Committee recommend that the answer be as follows:

It is the regular custom of our Presbyteries to read all minutes at the close of the session from the original copy for approval, and to record such approval in the minutes themselves. It is usual to read the engrossed copy at the next session of Presbytery for information, and if clerical errors be discovered they should be corrected by resolution, but no second resolution for the approval of said minutes is or should be required.—1892, p. 188.

26. The minutes must be attested by the Stated or Permanent Clerk.

The records of the Synod of Erie approved, except that they lack attestation by the signature of either the Stated or Permanent Clerk.—1882, p. 94; 1854, pp. 500, 501, N. S.; 1862, p. 28, N. S.

The Committee on the Records of the Synod of Tennessee reported

that, having examined these records, they found them well kept and in good order; they have, however, only the attestation of the Temporary Clerks. This is due to the sad fact that the Stated Clerk, the Rev. T. J. Lamar, was seriously sick at home during the meeting of the Synod, and died soon after. Your Committee therefore recommend that the attestation of the Temporary Clerks be accepted and the minutes approved. Adopted.—1887, p. 131.

27. Records should be kept in handwriting.

The records of the Synod of Iowa were presented in printed form, and were approved, but the Synod was advised hereafter to keep the same in handwriting.—1883, p. 688.

28. Permission to present printed records: conditions prescribed.

Overtures from the Synod of Iowa, requesting permission to keep its records hereafter in printed instead of written form; and from the Stated Clerks of several of the Synods, presenting a similar request, and asking that some uniform plan be adopted for the guidance of the Synods in this matter.

The Committee recommends that any Synod, which shall so elect, be authorized to keep its minutes in printed form, and to dispense with written records; provided,

(1) That such printed minutes be complete and accurate in all details.

(2) That they be uniform as to size of page with the minutes of the Assembly.

(3) That the copy submitted by each Synod to the Assembly for review be attested by the certificate of the Stated Clerk of the Synod in writing; and that blank pages be left at the end for recording any exceptions that may be taken.

(4) That at least two additional copies of each and every issue be transmitted to the Stated Clerk of the Assembly, and two deposited in the Library of the Presbyterian Historical Society. Adopted.—1884, p. 75.

29. All the church judicatories may follow the above rule.

From the Synod of New York, asking whether the principle established in relation to the records of Synods (*Minutes*, 1884, p. 75) does not apply to those of Presbyteries also.

Answer in the affirmative. All our Church courts may follow the same rule, only observing with care the provisos 1, 2, 3 and 4 above.—1889, p. 101.

[NOTE.—See under Book of Discipline, Chap. ix, sub-Sec. lxxi.]

30. The prescribed conditions must be complied with.

a. The Committee on the Records of the Synod of China reported that the printed copy submitted does not conform to the conditions required by the Assembly, as given in the *Digest* (p. 512), with reference to printed records, viz.:

1. "That they be uniform as to size of page with the *Minutes* of the Assembly.

2. "That the copy submitted by each Synod to the Assembly for review be attested by the certificate of the Stated Clerk of the Synod *in writing*, and that blank pages be left at the end for recording any exceptions that may be taken."

Your Committee therefore recommend that the copy of the minutes of the Synod of China be returned to the Stated Clerk of said Synod for correction, in accordance with the above rules, and that it be presented for examination to the next General Assembly. Adopted.—1889, p. 133.

b. The Committee on the Records of the Synod of India recommended their approval with the exceptions: 1. That the certificate of the Stated Clerk is not affixed in writing. 2. That no blank pages have been left for corrections, as is required in the case of records presented in print (*Digest*, p. 513). Adopted.—1889, p. 133.

c. The Committee on the Records of the Synod of Michigan recommended their approval with the exceptions: 1. As the minutes are printed, they are not attested by the certificate of the Stated Clerk in writing. 2. There is no blank page for the recording of the Assembly's approval. Adopted.—1889, p. 133.

d. The records of the Synod of Baltimore were approved with the following exception: That the printed copy submitted to your Committee, though properly certified, does not correspond to the General Assembly's requirements in two other particulars, viz.: (*a*) In that the pages are not conformable in size to those of the General Assembly's *Minutes*; (*b*) though a leaf of writing paper has been pasted in, blank pages have not been left as required, in the make-up of the printed copy, for the recording of exceptions.—1890, p. 105.

31. Synodical Reports to the Assembly.

A Statistical Report is to be forwarded to the Assembly by the Stated Clerk of every Synod, in which are to be stated the number of Presbyteries, ministers, churches, licentiates and candidates, within their bounds, and how distributed, the changes which may have been made in the number or arrangement of their Presbyteries, the names of the Stated Clerks of the Presbyteries, the place and hour of the next annual meeting, and the name of the Moderator and Stated Clerk of the Synod. Such a report is necessary in order to the correctness of the tabular report of the Synods printed in the appendix to the *Minutes*.

CHAPTER XII.

*OF THE GENERAL ASSEMBLY.**

I The General Assembly is the highest judicatory of the Presbyterian Church. It shall represent, in one body, all the particular churches of this denomination; and shall bear the title of THE GENERAL ASSEMBLY OF THE PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA.

* The radical principles of Presbyterian church government and discipline are: That the several different congregations of believers, taken collectively, constitute one Church of Christ, called emphatically the Church; that a larger part of the Church, or a representation of it, should govern a smaller, or determine matters of controversy which arise therein; that, in like manner, a representation of the whole should govern and determine in regard to every part and to all the parts united—that is, that a majority shall govern; and consequently that appeals may be carried from lower to higher judicatories, till they be finally decided by the collected wisdom and united voice of the whole Church. For these principles and this procedure, the example of the apostles and the practice of the primitive Church are considered as authority See Acts xv. 1–29, xvi. 4, and the proofs adduced under the last three chapters.

1. Formation of the General Assembly.

a. The Synod, considering the number and extent of the churches under their care, and the inconvenience of the present mode of government by one Synod,

Resolved, That this Synod will establish out of its own body three or more subordinate Synods, out of which shall be composed a General Assembly, Synod or Council, agreeably to a system hereafter to be adopted.—1786, p. 517.

b. *Resolved unanimously*, That this Synod be divided, and it is hereby divided, into four Synods, agreeably to an Act made and provided for that purpose in the sessions of Synod in the year one thousand seven hundred and eighty-six; and that this division shall commence on the dissolution of the present Synod.

Resolved, That the first meeting of the General Assembly, to be constituted out of the above said four Synods, be held, and it is hereby appointed to be held, on the third Thursday of May, one thousand seven hundred and eighty-nine, in the Second Presbyterian Church in the city of Philadelphia, at eleven o'clock A.M.; and that Dr. Witherspoon, or, in his absence, Dr. Rogers, open the General Assembly with a sermon, and preside till a Moderator be chosen.—1788, p. 548.

2. Organization of the Assembly.

Usage has fixed the third Thursday of May, at 11 A.M., as the time for the annual meeting of the Assembly. The last Moderator present, being a commissioner, or, if there be none, the senior member present, preaches the sermon, and then opens the session with prayer, and presides during the organization of the Assembly. The Committee on Commissions report; irregular commissions are referred to a special Committee, who report, and the roll is completed. A Moderator and Temporary Clerks are chosen, and the Assembly is ready for business.

3. Rules of organization. Committee on Commissions.

Resolved, That the Permanent and Stated Clerks be and they hereby are appointed a Standing Committee of Commissions; and that the commissioners to future Assemblies hand their commissions to said Committee, in the room in which the Assembly shall hold its sessions, on the morning of the day on which the Assembly opens, previous to 11 o'clock; and further, that all commissions which may be presented during the sessions of the Assembly, instead of being read in the house, shall be examined by said Committee, and reported to the Assembly.—1829, p. 269.

I. That the Committee of Commissions shall, in the afternoon, report the names of all whose commissions shall appear to be regular and constitutional and the persons whose names shall thus be reported shall immediately take their seats and proceed to business.

II. The first act of the Assembly, when thus ready for business, shall be the appointment of *a Committee of Elections*, whose duty it shall be to examine all informal and unconstitutional commissions, and report on the same as soon as practicable.—1826, p. 191.

STANDING ORDER.

The credentials of commissioners and delegates are to be presented at a previous hour of the same day, or of the preceding day, according to

public notice, to the Stated and Permanent Clerks, acting as a Standing Committee on Commissions.

[NOTE.—For usage as to informal and unconstitutional commissions, see under Form of Government, Chap. xxii, Sec. ii.]

4. Of the mode of choosing the Moderator of the Assembly.

On motion agreed that it be the standing rule of the General Assembly, in choosing a Moderator, that any commissioner may nominate a candidate for the chair. The candidates so pointed out shall then severally give their votes for some one of their number, and withdraw; when the remaining commissioners shall proceed, *viva voce*, to choose by a plurality of votes one of said candidates for Moderator.—1791, p. 39.

In the Assembly of 1846, O. S., it was

Resolved, That a majority of all the votes given for Moderator be necessary for a choice.—p. 189. See 1887, p. 10. But the Standing Rule is as above.

5. Of the manner of installing the Moderator.

The Committee appointed to examine the rules of the house, and to add to them, if they should judge it necessary, a rule directing the method in which a Moderator, after his election, shall be introduced to his office, made their report, which was agreed to, and is as follows:

Your Committee report that when a new Moderator hath been elected, before he take the chair, the former Moderator shall address him and the house, in the following or like manner, viz.:

Sir: It is my duty to inform you, and announce to this house, that you are duly elected to the office of Moderator in this General Assembly. For your direction in office, and for the direction of this Assembly in all your deliberations, before I leave this seat, I am to read to you and this house the rules contained in the records of this Assembly, which I doubt not will be carefully observed by both, in conducting the business that may come before you.

[Here the Moderator is to read the rules,* and afterward add:]

Now, having read these rules, according to order, for your instruction as Moderator, and for the direction of all the members in the management of business, praying that Almighty God may direct and bless all the deliberations of this Assembly for the glory of His name, and for the edification and comfort of the Presbyterian Church in the United States, I resign my place and office as Moderator.—1791, p. 34; 1822, pp. 43, 44.

Rules relating to the Moderator.

1. The Moderator shall take the chair precisely at the hour to which the judicatory stands adjourned, shall immediately call the members to order, and on the appearance of a quorum shall open the session with prayer.

4. It shall be the duty of the Moderator, at all times, to preserve order, and to endeavor to conduct all business before the judicatory to a speedy and proper result.

5. It shall be the duty of the Moderator carefully to keep notes of the

* Instead of reading the rules, it has become usage to put the book containing them formally in the hands of the new Moderator, and to make the necessary change in the formula above. See General Rules for Judicatories. For convenience such as concern the Moderator in the discharge of his duty are given here.

several articles of business which may be assigned to particular days, and to call them up at the time appointed.

6. The Moderator may speak to points of order, in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the judicatory by any two members.

7. The Moderator shall appoint all Committees, except in those cases in which the judicatory shall decide otherwise.

8. When a vote is taken by ballot in any judicatory, the Moderator shall vote with the other members; but he shall not vote in any other case, unless the judicatory be equally divided; when, if he does not choose to vote, the question shall be lost.

6. Communications addressed to the Moderator.

Resolved, That every letter or communication addressed to the Moderator be opened and read by him, and at his discretion be either communicated immediately to the Assembly for their decision, or to the Committee of Overtures, to be by them brought before the house in the ordinary channel.—1794, p. 79.

This rule was superseded by Rule xi of General Rules for Judicatories: "The Stated Clerk shall receive all memorials, overtures and other papers addressed to the General Assembly, shall make record of the same, and shall then deliver them to the Standing Committee of Bills and Overtures."—1884, p. 106, 107.

7. The Moderator may not have a double vote.

On the question being taken, the Moderator claimed a right to a vote as a commissioner from the Presbytery of Albany, distinct from the casting vote. He left it to the house to decide on the claim. The house, having taken a vote on the subject, decided by a great majority against the Moderator's claim.—1798, p. 140.

8. The Moderator, when a member of a court appealed from, or a party in the case, will not preside.

a. The Moderator, being a member of the Synod of Philadelphia (appealed from), withdrew, and Dr. M'Knight took the chair.—1792, p. 56.

b. Appeal of Pope Bushnell. The Moderator, being a member of the Synod appealed from, Mr. Jennings, the last Moderator present, took the chair.—1826, p. 184.

c. Judicial Case No. 1 was taken up. The Moderator, being a party in the case, vacated the chair, and on motion, Dr. Krebs was requested to act as Moderator during the trial of the case.—1866, p. 48, O. S.

9. Standing orders and rules.

1. The General Assembly meets invariably on the third Thursday of May, annually, at 11 o'clock A.M.

2. The credentials of commissioners and delegates are to be presented at a previous hour of the same day, or of the preceding day, according to public notice, to the Stated and Permanent Clerks, acting as a Permanent Committee on Commissions.

3. The Lord's Supper is to be celebrated by the Assembly on the evening of Thursday, the first day of its sessions.

4. The evenings of the days of session are assigned to popular meetings in the following order:

The evening of Friday, the second day, to the Presbyterian Board of Publication and Sabbath-school Work and the Sabbath-school interests of the Church.

The afternoon of the first Sunday to the Woman's Executive Committee of Home Missions; the evening to Young People's Work for Home and Foreign Missions.

The evening of Monday, the fourth day, to Missions among the Freedmen.

The evening of Tuesday, the fifth day, to the Home Mission Work.

The evening of Wednesday, the sixth day, to the Foreign Mission Work.

The evening of Friday, the eighth day, to the cause of Temperance.

The evening of the second Sunday to Aid for Colleges and Academies.

5. The reports of the Standing Committees shall be considered at the times herein designated, viz.:

Ministerial Relief, Saturday, at 10 o'clock A.M.

Freedmen, Monday, at 10 o'clock A.M.

Education, Monday, at 3 o'clock P.M.

Home Missions, Tuesday, at 10 o'clock A.M.

Aid for Colleges and Academies, Tuesday, at 3 o'clock P.M.

Foreign Missions, Wednesday, at 10 o'clock A.M.

Publication and Sabbath-school Work, Wednesday, at 3 o'clock P.M.

Church Erection, second Thursday, at 3 o'clock P.M.

Benevolence, second Thursday, at 7.30 o'clock P.M.

Temperance, second Friday, at 3 o'clock P.M.

6. That the Standing Committees on Home Missions and Foreign Missions have each two and a half hours; and those on Education, Publication, Church Erection, Ministerial Relief, Freedmen, Temperance and Aid for Colleges, have each one and a half hours. That the Secretaries and the Chairmen of the Standing and Special Committees be requested to make their statements within the limits of half an hour.

7. The Stated Clerk shall receive all memorials, overtures, and other miscellaneous papers addressed to the General Assembly, shall make record of the same, and then deliver them for distribution or reference to the Standing Committee on Bills and Overtures. All complaints and appeals, however, shall be transmitted by the Stated Clerk directly to the Judicial Committee.

8. All Special Committees appointed by one General Assembly to report to the next Assembly, shall be ready to present their reports on the second day of the session.

9. The Stated Clerk shall have printed and ready for distribution, so far as practicable, on the morning of the day fixed for their consideration, the resolutions appended to the reports of Special Committees appointed at previous Assemblies to report at that meeting.

10. The Stated Clerk and Permanent Clerk shall be a Committee to revise the phraseology of all papers sent down to the Presbyteries to be voted upon, provided that in no case shall this Committee so change the phraseology as to alter the meaning.—1886, p. 113.

11. The Stated and Permanent Clerks shall be a Committee to supervise the publication of any and all editions of the Constitution, hereafter issued by the Board of Publication, and also of the Rules for Judicatories.—1886, p. 113.

12. Each Board and Permanent Committee is instructed to send up its

minutes with its report, that these minutes may be reviewed by the Assembly on the report of the appropriate Standing Committee.—1885, p. 690.

13. A sufficient number of the reports of the Boards and Committees shall be forwarded by them to the place of meeting of each Assembly, prior to the day of meeting; and a complete file of the same, stitched together, shall be delivered to each commissioner.—1886, p. 77.

14. In all regions where, through the organization of Union Presbyteries, there are no Presbyteries in connection with this Assembly, each mission organized as such under our Board of Foreign Missions may send to the General Assembly an ordained missionary, or ruling elder, as a delegate; and the Standing Rules of the Assembly are hereby so amended that such delegate is entitled to sit as an advisory member in the Assembly, and to speak, under the rules, on all questions, and that his expenses from his domicile in this country to and during the Assembly and return, shall be met as those of commissioners, out of the funds of the Assembly.—1887, p. 240.

15. No person shall serve as a member of a Board who is an executive officer or employé of said Board, or a member of any other benevolent Board of the Church; and no more than one ruling elder from the same congregation shall serve on a Board at the same time.—1887, pp. 51, 108.

16. Any vacancy occurring in the membership of any of the Boards of the Church during the interval between the Assemblies, may be filled until the next succeeding meeting of the Assembly, by the Board in which such vacancy may occur.—1887, p. 128.

17. The Moderator is authorized to fill by appointment any vacancies which may occur, by resignation or otherwise, in any of the Special Committees.—1892, p. 209.

18. All resolutions for the appropriation of money, outside the Boards, should be brought before the Finance Committee, before action by the Assembly.—1892, p. 199.

19. The recommendation of any particular congregation to the benevolence of the denomination, by the General Assembly, is not to be understood as creating either a legal or a moral obligation upon the Assembly for the payment of the amount recommended to be contributed by the churches.—1892, p. 36; 1893, p. 41.

20. All overtures must be presented to the Assembly not later than the fifth day of its sessions.—1894, p. 160.

21. The Stated and Permanent Clerks shall be a Committee to have the oversight of arrangements for the entertainment of the General Assembly.—1896, pp. 130, 349*q*.

10. Rules of order for the General Assembly.

THE GENERAL RULES FOR JUDICATORIES, as adopted by the Assembly, have appended the following note, as defining their authority, viz.:

The following rules, not having been submitted to the Presbyteries, make no part of the Constitution of the Presbyterian Church. Yet the General Assembly of 1821, considering uniformity in proceedings in all the subordinate judicatories as greatly conducive to order and dispatch of business, and having revised and approved these rules, recommend them to the Synods, Presbyteries and Sessions as a system of regulations which, if they think proper, may be advantageously adopted by them.

The rules, as modified and adopted by the Assembly for its guidance in 1822, pp. 42–45, may be found in full in new *Digest* (Moore, 1861), pp. 168–171. Some alteration was made chiefly with regard to the previous question—*e.g.*, 1835, p. 473; 1851, p. 27, N. S. The rules as in use in the N. S. Assembly may be found in new *Digest* (Moore, 1861), pp. 602–605, the O. S. in Baird's *Digest*, 866–870. On the reunion the Assembly resolved to adopt the general rules for judicatories contained in the appendix to the Constitution as the rules of this Assembly, except that the 13th, 14th, 17th and 18th rules were modified.—1870, p. 12. See *Digest*, 1886, p. 204.

A Committee—Rev. George W. Musgrave, D.D., Rev. Z. M. Humphrey, D.D., Rev. J. C. Watson, D.D., Hon. William Strong, LL.D., and Hon. J. Ross Snowden—was appointed to revise the rules for judicatories, and report to the next General Assembly.—1870, p. 13.

The Committee appointed by the last General Assembly to revise the general rules for judicatories respectfully present the following report:

The Committee found, on a comparison of the rules in use in the two former branches of the Church, that they were, with very few exceptions, identical, and that very few changes were necessary. The Committee propose only four changes, each of which is indicated in the margin of the report. The proposed changes relate to the presentation of minutes, motions to amend, to lay on the table, and the previous question; and are numbered respectively 12, 20, 21 and 22.

For the sake of a more convenient reference, the rules have been rearranged, so as to bring those relating to the same or kindred subjects more nearly together.

We are happy to add that the Committee are unanimous in recommending to the Assembly the adoption of the subjoined rules, and would respectfully suggest that, if adopted, the Board of Publication should be directed to publish them as thus arranged and modified.

The report was adopted.—1871, p. 491.

11. General rules for judicatories.

[Note.—The following "General Rules for Judicatories," not having been submitted to the Presbyteries, make no part of the Constitution of the Presbyterian Church. Yet the General Assembly of 1871, considering uniformity in proceedings in all the subordinate judicatories as greatly conducive to order and dispatch in business, having revised and approved these rules, recommended them to all the lower judicatories of the Church for adoption. The rules were amended by the General Assemblies of 1885, 1887 and 1896.]

I. The Moderator shall take the chair precisely at the hour to which the judicatory stands adjourned; and shall immediately call the members to order; and, on the appearance of a quorum, shall open the session with prayer.

II. If a quorum be assembled at the time appointed, and the Moderator be absent, the last Moderator present, *being a commissioner*, or if there be none, the senior member present, shall be requested to take his place without delay, until a new election.

III. If a quorum be not assembled at the hour appointed, any two members shall be competent to adjourn from time to time, that an opportunity may be given for a quorum to assemble.

IV. It shall be the duty of the Moderator, at all times, to preserve order, and to endeavor to conduct all business before the judicatory to a speedy and proper result.

V. It shall be the duty of the Moderator, carefully to keep notes of the several articles of business which may be assigned for particular days, and to call them up at the time appointed.

VI. The Moderator may speak to points of order, in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the judicatory by any two members.

VII. The Moderator shall appoint all Committees, except in those cases in which the judicatory shall decide otherwise. In appointing the Standing Committees, the Moderator may appoint a Vice-Moderator, who may occupy the chair at his request, and otherwise assist him in the discharge of his duties.—1885, p. 590.

VIII. When a vote is taken by ballot in any judicatory, the Moderator shall vote with the other members; but he shall not vote in any other case, unless the judicatory be equally divided; when, if he do not choose to vote, the question shall be lost.

IX. The person first named on any Committee shall be considered as the chairman thereof, whose duty it shall be to convene the Committee; and, in case of his absence or inability to act, the second named member shall take his place and perform his duties.

X. It shall be the duty of the Clerk, as soon as possible after the commencement of the sessions of every judicatory, to form a complete roll of the members present, and put the same into the hands of the Moderator. And it shall also be the duty of the Clerk, whenever any additional members take their seats, to add their names, in their proper places, to the said roll.

XI. It shall be the duty of the Clerk immediately to file all papers, in the order in which they have been read, with proper indorsements, and to keep them in perfect order. The Stated Clerk shall receive all overtures, memorials and miscellaneous papers addressed to the judicatory; shall make record of the same and deliver them to the Committee on Bills and Overtures for appropriate disposition or reference. This Committee shall have the floor on the reassembling of the judicatory after each adjournment, to report its recommendations as to reference of papers, and this right of the Committee shall take precedence of the Orders of the Day. This Committee shall report the papers retained by it as well as those recommended for reference to other Committees, and no Committee shall report on matters which have not been referred to it by the judicatory.—1885, p. 590.

XII. The minutes of the last meeting of the judicatory shall be presented at the commencement of its session, and, if requisite, read and corrected.

XIII. Business left unfinished at the last sitting is ordinarily to be taken up first.

XIV. A motion made must be seconded, and afterwards repeated by the Moderator, or read aloud, before it is debated; and every motion shall be reduced to writing, if the Moderator or any member require it.

XV. Any member who shall have made a motion, shall have liberty to withdraw it, with the consent of his second, before any debate has taken place thereon; but not afterwards, without the leave of the judicatory.

XVI. If a motion under debate contain several parts, any two members may have it divided, and a question taken on each part.

XVII. When various motions are made with respect to the filling of blanks, with particular numbers or times, the question shall always be first taken on the highest number and the longest time.

XVIII. Motions to lay on the table, to take up business, to adjourn, and the call for the previous question, shall be put without debate. On questions of order, postponement, or commitment, no member shall speak more than once. On all other questions, each member may speak twice, but not oftener, without express leave of the judicatory.

XIX. When a question is under debate, no motion shall be received, unless to adjourn, to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit, or to amend; which several motions shall have precedence in the order in which they are herein arranged; and the motion for adjournment shall always be in order.

XX. An amendment, and also an amendment to an amendment, may be moved on any motion; but a motion, to amend an amendment to an amendment, shall not be in order., Action on amendments shall precede action on the original motion. A substitute shall be treated as an amendment.—1885, p. 590.

XXI. A distinction shall be observed between a motion to lay on the table *for the present*, and a motion to lay on the table *unconditionally*, namely: A motion to lay on the table, *for the present*, shall be taken without debate; and, if carried in the affirmative, the effect shall be to place the subject on the docket, and it may be taken up and considered at any subsequent time. But a motion to lay on the table, *unconditionally*, shall be taken without debate; and, if carried in the affirmative, it shall not be in order to take up the subject during the same meeting of the judicatory, without a vote of reconsideration.

XXII. The previous question shall be put in this form, namely, Shall the main question be now put? It shall only be admitted when demanded by a majority of the members present; and the effect shall be to put an end to all debate and bring the body to a direct vote: First, on a motion to commit the subject under consideration (if such motion shall have been made); secondly, if the motion for commitment does not prevail, on pending amendments; and lastly, on the main question.

XXIII. A question shall not be again called up or reconsidered at the same sessions of the judicatory at which it has been decided, unless by the consent of two-thirds of the members who were present at the decision; and unless the motion to reconsider be made and seconded by persons who voted with the majority.

XXIV. A subject which has been indefinitely postponed, either by the operation of the previous question, or by a motion for indefinite postponement, shall not be again called up during the same sessions of the judicatory, unless by the consent of three-fourths of the members who were present at the decision.

XXV. Members ought not, without weighty reasons, to decline voting, as this practice might leave the decision of very interesting questions to a small proportion of the judicatory. Silent members, unless excused from voting, must be considered as acquiescing with the majority.

XXVI. When the Moderator has commenced taking the vote, no further debate or remark shall be admitted, unless there has evidently been a mistake, in which case the mistake shall be rectified, and the Moderator shall recommence taking the vote. If the house shall pass

the motion to "vote on a given subject at a time named," speeches shall thereafter be limited to ten minutes. Should the hour for adjournment or recess arrive during the voting, it shall be postponed to finish the vote, unless the majority shall vote to adjourn; in which case the voting shall, on the reassembling of the house, take precedence of all other business till it is finished. Under this rule the "yeas and nays" shall not be called, except on the final motion to adopt as a whole. This motion to fix a time for voting shall be put without debate.—1885, p. 590.

XXVII. The yeas and nays on any question shall not be recorded, unless required by one-third of the members present. If division is called for on any vote, it shall be by a rising vote, without a count. If on such a rising vote the Moderator is unable to decide, or a quorum rise to second a call for "tellers," then the vote shall be taken by rising and the count made by tellers, who shall pass through the aisles and report to the Moderator the number voting on each side.—1885, p. 590.

XXVIII. No member, in the course of debate, shall be allowed to indulge in personal reflections.

XXIX. If more than one member rise to speak at the same time, the member who is most distant from the Moderator's chair shall speak first. In the discussion of all matters where the sentiment of the house is divided, it is proper that the floor should be occupied alternately by those representing the different sides of the question.—1885, p. 590.

XXX. When more than three members of the judicatory shall be standing at the same time, the Moderator shall require all to take their seats, the person only excepted who may be speaking.

XXXI. Every member, when speaking, shall address himself to the Moderator, and shall treat his fellow-members, and especially the Moderator, with decorum and respect.

XXXII. No speaker shall be interrupted, unless he be out of order; or for the purpose of correcting mistakes or misrepresentations.

XXXIII. Without express permission, no member of a judicatory, while business is going on, shall engage in private conversation; nor shall members address one another, nor any person present, but through the Moderator.

XXXIV. It is indispensable that members of ecclesiastical judicatories maintain great gravity and dignity while judicially convened; that they attend closely in their speeches to the subject under consideration, and avoid prolix and desultory harangues; and, when they deviate from the subject, it is the privilege of any member, and the duty of the Moderator, to call them to order.

XXXV. If any member act, in any respect, in a disorderly manner, it shall be the privilege of any member, and the duty of the Moderator, to call him to order.

XXXVI. If any member consider himself aggrieved by a decision of the Moderator, it shall be his privilege to appeal to the judicatory, and the question on the appeal shall be taken without debate.

XXXVII. No member shall retire from any judicatory without the leave of the Moderator, nor withdraw from it to return home without the consent of the judicatory.

XXXVIII. All judicatories have a right to sit in private, on business, which in their judgment ought not to be matter of public speculation.

XXXIX. Besides the right to sit judicially in private, whenever they think proper to do so, all judicatories have a right to hold what are

commonly called "interlocutory meetings," in which members may freely converse together, without the formalities which are usually necessary in judicial proceedings.

XL. Whenever a judicatory is about to sit in a judicial capacity, it shall be the duty of the Moderator solemnly to announce, from the chair, that the body is about to pass to the consideration of the business assigned for trial, and to enjoin on the members to recollect and regard their high character as judges of a court of Jesus Christ, and the solemn duty in which they are about to act.

XLI. In all cases before a judicatory, where there is an accuser or prosecutor, it is expedient that there be a Committee of the judicatory appointed (provided the number of members be sufficient to admit it without inconvenience), who shall be called the "Judicial Committee," and whose duty it shall be to digest and arrange all the papers, and to prescribe, under the direction of the judicatory, the whole order of proceedings. The members of this Committee shall be entitled, notwithstanding their performance of this duty, to sit and vote in the cause as members of the judicatory.

XLII. The permanent officers of a judicatory shall have the rights of corresponding members in matters touching their several offices.—1885, p. 590.

XLIII. The Moderator of every judicatory above the church Session, in finally closing its sessions, in addition to prayer, may cause to be sung an appropriate psalm or hymn, and shall pronounce the apostolical benediction.

12. Officers of the General Assembly.

I. THE MODERATOR.

[NOTE.—See above, Rules for Judicatories; also, Form of Government, Chap. xix. Of Moderators.]

II. THE STATED CLERK.

Appointment.

a. *Ordered*, That Dr. Duffield be appointed Stated Clerk of the Assembly, procure a proper book into which to transcribe their minutes, and lay the expense of the book and of transcribing the minutes before the General Assembly at their next meeting.—1789, p. 13.

Duties of the Stated Clerk.

b. The Stated Clerk shall transcribe for the press such parts as may be necessary of the minutes ordered to be published from year to year. He shall correct the press, and superintend the printing of all the minutes and papers which shall be ordered to be printed by the General Assembly. As soon as the extracts are printed from year to year, he shall send one copy by mail to each Presbytery, and apportion and send the rest by private conveyance to the Presbyteries and other bodies, as shall be prescribed by the Assembly, only reserving a sufficient number of copies for binding. He shall have the charge of all the books and papers of the General Assembly, shall cause their minutes to be fairly transcribed into the book or books provided for the purpose, and give attested copies of all minutes and other documents, when properly required so to do.—1807, p. 377.

Notification of Presbyteries whose commissioners have left without leave.

c. *Whereas*, It has frequently happened that members of this Assembly, neglecting their duty and inattentive to the rules of decorum, have abruptly left the Assembly and returned home without leave of absence,

Resolved, That in all similar cases which shall occur in future, it shall be the duty of the Clerk of this house to give notice thereof to the Presbyteries to which such delinquent members may belong.—1801, p. 233.

Resolved, That as the names of persons who have left the Assembly without leave are to be published in the printed journals, therefore the Stated Clerk is liberated from the duty, enjoined by a standing rule, of writing to the Presbyteries on the subject.—1824, p. 125.

[NOTE.—See *Minutes*, 1801, p. 233, and 1820, p. 723.]

Stated Clerk to be Treasurer of the Assembly.

d. The Committee on Finance also recommend that the Stated Clerk have added to his duties that of Treasurer of the General Assembly.—1871, p. 512.

[NOTE.—Prior to the Reunion the Treasurer of the Trustees acted as Treasurer of the Assembly in the Old School branch. The New School Assembly had a Treasurer of its own from 1839. In 1871 the duties of the Treasurer of the General Assembly were laid upon the Stated Clerk. In 1884, after the death of Dr. Hatfield, who had filled the offices of Stated Clerk and Treasurer, the Assembly elected the Rev. Hugh W. Torrence Treasurer, but subsequently—]:

The Standing Committee on Finance reported as follows:

Resolved, That the office of Treasurer of the General Assembly, as a separate office, be discontinued, and the duties thereof imposed upon the Stated Clerk, who shall receive therefor the additional sum of one hundred dollars per annum, and who shall give bonds in the sum of five thousand dollars, to be signed by himself and two sureties to be approved by the Board of Trustees of the General Assembly. Adopted.—1884, p. 33.

That the Stated Clerk, as Treasurer, be authorized to employ a clerical assistant, to act as Assistant Treasurer, who shall take charge, under the direction and control of the Treasurer, of the receipts and disbursements of the Mileage Fund during the meeting of the Assembly.—1896, p. 157.

Arrangements for transportation of commissioners placed permanently in the hands of the Stated Clerk.

e. We recommend that the matter of railroad arrangements for the transportation of commissioners be placed permanently in the hands of the Stated Clerk.—1885, p. 687.

The duties of the Stated Clerk. His salary.

f. *Resolved*, That the subject of the duties of the Stated Clerk be referred to the chairmen of the Committees on Mileage and Finance, as a Special Committee, to consider the same, and report to this Assembly.—1894, p. 89.

g. The Special Committee upon the subject of the duties of the Stated Clerk, presented its report, which was unanimously adopted, and is as follows:

The chairmen of the Standing Committees on Mileage and Finance, to whom, as a Special Committee, was referred for consideration and report

the subject of the duties of the Stated Clerk, respectfully report as follows:

They have carefully examined into the subject referred to them; and they find that the duties of the Stated Clerk have been steadily increasing in number and variety, and in the laborious character of the work imposed by them. At the present time, the Stated Clerk is required to transcribe for the press the *Minutes* ordered to be published from year to year; to superintend the printing of the *Minutes*, and papers ordered to be printed; to distribute the *Minutes* to persons entitled to them; to have charge of all the books and papers of the General Assembly; to give attested copies of all minutes and other documents; to receive all memorials, overtures and other papers addressed to the Assembly; to distribute the bound volumes of the Reports of the Boards; to have charge of the entire railroad arrangements for the transportation of commissioners; to transmit all overtures to the Presbyteries and receive the answers; under the direction of the Moderator, to prepare and carry forward the business of the Assembly, including the printing of the roll, etc., during its sessions; to carry on the correspondence of the Assembly; to report to the Assembly upon the statistics of the Church; to perform all the duties of Treasurer, and to transact such other business directly pertaining to his office, as the Assembly may from time to time appoint.

Besides performing these duties, your Committee are of the opinion that the Stated Clerk might advantageously be employed as Secretary, and Custodian of the correspondence, of the *ad interim* Committees, without membership therein, and recommend that he be so designated.

In view of the facts stated, your Committee regard the compensation heretofore allowed to his office as wholly inadequate. They therefore recommend that, for the services hereinbefore specified and recommended, the compensation be fixed at the sum of three thousand dollars ($3000) per annum, payable upon December 31, for the calendar year then closing.

Your Committee are also of opinion, that permanent quarters for the accommodation of the Stated Clerk, and the preservation of the records of the Assembly, should be arranged for. They therefore recommend that the Board of Publication and Sabbath-school Work be requested to assign to the Stated Clerk such rooms, not needed for their own use, as will afford suitable accommodations as an office and a document room, the expense of fitting up such rooms to be defrayed out of the Contingent Fund.—1894, pp. 161, 162.

The Stated Clerk authorized to engage stenographic and other clerical help.

h. (*a*) That the Stated Clerk be authorized to employ a Clerk to aid him in his correspondence, and also in the preparation of the *Minutes* of the Assembly for publication.—1890, p. 112.

(*b*) That the Stated Clerk be authorized to employ such clerical assistants as may be needed to secure early publication of the *Minutes*.—1893, p. 72.

(*c*) That whereas it is expedient to lighten as far as possible the labors of the Moderator and of the chairmen of the Standing Committees during the meetings of the General Assembly, the Stated Clerk be authorized to engage such stenographic and other clerical help as may be needed to this end while the Assembly is in session.—1896, p. 118.

III. THE PERMANENT RECORDING CLERK.

Appointment and Duties.

a. *Whereas*, The business of former Assemblies has been impeded by the want of a Recording Clerk, possessing that facility in the business which is acquired by experience; and *Whereas*, It is not to be expected that any one person should perform this service permanently without receiving an adequate compensation for his labor; and *Whereas*, This Assembly are persuaded that future Assemblies will see the reasonableness of the measure now contemplated, and coöperate on their part in giving it effect;

Resolved, That a Permanent Recording Clerk be chosen, whose duty it shall be from year to year to draught the minutes of the Assembly during their sessions, and afterward to perform such services respecting the transcribing, printing and distributing the extracts as shall be assigned to him from time to time.—1802, p. 235.

b. The Permanent Clerk shall furnish all the stationery for the use of the Assembly and the several Clerks. He shall make the original draught of all the minutes, and give certified copies, as occasion may require, of all such as may be proper to be transmitted to the Trustees of the General Assembly or any of their officers. After the Assembly rises from year to year he shall carefully revise the manuscript, render it correct and legible, and deliver it over to the Stated Clerk.—1807, p. 377.

Salary of the Permanent Clerk.

c. That the salary of the Permanent Clerk be fixed at the rate of three hundred dollars per annum.—1870, p. 127.

d. The Committee to which was referred a recommendation of the Committee of Bills and Overtures, a resolution concerning the increase of the salary of the Permanent Clerk, recommend that such salary be increased from three hundred dollars, as at present, to five hundred dollars per annum, which was unanimously adopted by the General Assembly at Pittsburgh, Pa., Monday, May 27, 1895.—1896, p. 170.

IV. THE TEMPORARY CLERKS.

a. *Resolved*, also, That a Temporary Clerk be chosen by each Assembly as heretofore to read the minutes and communications to the Assembly, and otherwise aid the Permanent Clerk as occasion may require, and that he be paid one dollar per day for his services.—1802, p. 235.

b. The Temporary Clerk shall hereafter receive no pecuniary compensation for his services.—1806, p. 372.

[Note.—The usage is to choose four Temporary Clerks, one or more of whom are usually ruling elders.]

The Temporary Clerks nominated by the Stated and Permanent Clerks.

c. The following standing rule was adopted: That the Stated and Permanent Clerks shall have the privilege of nominating their own assistant Clerks.—1875, p. 533.

Choice of Clerks not confined to members of the Assembly.

d. *Resolved*, That it be considered as the right of every member of the Assembly to vote for a Clerk who is not a member of the body.—1793, p. 64.

e. The Moderator and Clerk are ministerial officers of the judicatory. In respect to their offices they are servants merely, and not members, of the body.

Of the Clerk this would seem to be unquestionably true. The Constitution knows nothing of the *Temporary* Clerk as distinguished from the *Stated* Clerk. As far as any provision of the "Book" is involved, it is plain that a judicatory may select any convenient person, though not a member, to record its transactions, and discharge all other duties pertaining to a Clerk. For the part of those duties usually devolved upon a *Temporary* Clerk, we believe it is no infrequent thing for a Presbytery to employ a licentiate or other person not a member of the body.—1861, p. 457, N. S.

[NOTE.—As to the Moderator of the Assembly, see Rule ii of Rules for Judicatories, p. 265.]

13. Standing Committees of Each Assembly.

[NOTE.—The Committees appointed at the beginning of each Assembly are designated as "Standing Committees."]

The Standing and Permanent Committees of the Judicatories should consist of ordained men.

Overture No. 58, from the Presbytery of Cincinnati: May a judicatory of the Presbyterian Church, such as a Presbytery, place unordained men on its Standing and Permanent Committees? The Committee recommend that a negative answer be returned. Adopted.—1896, p. 145.

Number of members of each Committee.

The Committee on Polity having considered the resolution referred to it with reference to the Standing Committees of the Assembly, would recommend that hereafter each Standing Committee, except the Standing Committee on Mileage and the Standing Committee on Finance, be composed of eleven ministers and ten ruling elders; the Standing Committee on Mileage shall be composed of ten ruling elders; the Standing Committee on Finance shall be composed of ten ruling elders; and that each of the Committees on Synodical Records shall be composed of four ministers and three elders.—1892, p. 190.

(1) The Committee of Bills and Overtures, duties of.

[NOTE.—See Moore's *Digest*, 1886, p. 213.]

The Standing Committee of Bills and Overtures presented a final report, which was adopted, and is as follows:

The Committee deem it a duty to call the attention of this Assembly to the action of our Church concerning the powers and duties of the Committee of Bills and Overtures.

In 1710, the Presbytery (there being at that time no higher court) appointed "Mr. Henry, Mr. Anderson and Mr. Wade a Committee to prepare and bring in overtures to the Presbytery, and also to take cognizance of whatever may be laid before them to prepare it for the Presbytery."—1710, p. 17; *Digest*, 1886, p. 213.

In 1769 the Synod, in answer to the question concerning the duties and powers of the Committee of Overtures proposed last year, said: "That Committee is intended to introduce business into the Synod in an orderly manner, that they may give advice concerning either the matter or manner of overtures brought to them, but have not power to suppress

anything that comes regularly before them from inferior judicatures according to our known rules, or such overtures and petitions as inferior judicatures or particular persons desire to have laid before this Synod." —1769, p. 393; *Digest*, 1886, p. 213.

The General Assembly of 1789 declared: "The General Assembly, at every meeting, shall appoint a Committee of Bills and Overtures to prepare and digest business for the Assembly."—1789, p. 8; *Digest*, 1886, p. 213.

The Assembly of 1822 enacted as follows: "Petitions, questions relating to doctrine, or order, and usually all new propositions tending to general laws, should be laid before the Committee of Bills and Overtures before they be offered to the Assembly."—1822, p. 42; *Digest*, 1886, p. 213.

The report of the Joint Committee on Reconstruction adopted by the General Assembly of 1870, said: "It is recommended that the Assembly order that hereafter bills and overtures come up only from Synods or Presbyteries; yet, that this may not prevent any Committee of Bills and Overtures from bringing before the house, of its own motion, upon a two-thirds vote of the Committee, any matter which they may deem of sufficient importance to engage the attention of the Assembly."—1870, p. 90; *Digest*, 1873, p. 547.

In view of these deliverances, which, so far as we can find, have never been changed, it seems to be plain that the Committee of Bills and Overtures is the proper business Committee of the Assembly, and that it belongs to this Committee to receive and to consider all bills, overtures, petitions, etc., before they are laid before the Assembly, and to recommend the proper disposition or reference of the same.

That the action herein described has been the historic practice of the Assembly up to a comparatively recent date is, we believe, undisputed.

More recently, however, it has become customary for the Stated Clerk to receive and consider such documents as are to be laid before the Assembly, and to recommend the proper reference and disposition of them.

Your Committee believe this practice to be an error, and for these reasons:

1. It is a departure from the established order and the historic practice of the Church.

2. It practically concentrates to a large extent, the powers and duties of the Committee of Bills and Overtures in a single person, the Stated Clerk, who usually is not a member of the Assembly.

3. It partly defeats the object for which the Committee of Bills and Overtures was appointed, viz., "To prepare and digest business for the Assembly." And it is manifestly impossible for any one person to give to the documents which come before the Assembly such consideration as they deserve.

The Committee therefore recommend "that Standing Order No. 6 be changed so as to read: Rule 6. The Stated Clerk shall receive all memorials, overtures and other papers addressed to the General Assembly, shall make record of the same, and shall then deliver them to the Standing Committee of Bills and Overtures." Adopted.—1884, pp. 106, 107.

(2) *The Judicial Committee.*

The Assembly shall also, at every meeting, appoint a Committee to be styled the Judicial Committee, whose duty it shall be to take into consideration all appeals and references brought to the Assembly, to ascertain whether they are in order, to digest, and arrange all the documents relating to the same, and to propose to the Assembly the best method of proceeding in each case.—1819, p. 718.

[NOTE.—See also Rule xli of General Rules for Judicatories.]

(3) *Committee on Polity of the Church.*

Resolved, That a Committee of seven members be appointed on the Polity of the Church, and that it be referred to this Committee to examine and settle the true roll of the Presbyteries and Synods connected with the Assembly; and that they receive the reports of the several Presbyteries on amending the Constitution of the Church.—1840, p. 7, N. S.

[NOTE.—Now referred to a Committee of Canvass.]

To consist of eleven ministers and ten ruling elders.—1892, p. 190.

(4) *On Foreign Missions.*

Eleven ministers and ten elders.

(5) *On Home Missions.*

Eleven ministers and ten elders.

(6) *On Education.*

Eleven ministers and ten elders.

(7) *On Publication and Sabbath-school Work.*

Eleven ministers and ten elders.

(8) *On Church Erection.*

Eleven ministers and ten elders.

(9) *On Theological Seminaries.*

Eleven ministers and ten elders.

(10) *On Ministerial Relief.*

Eleven ministers and ten elders.

(11) *On Freedmen.*

Eleven ministers and ten elders.

(12) *On Aid for Colleges and Academies.*

Eleven ministers and ten elders.

[NOTE.—To these Committees are referred the reports of the several Boards, etc., together with the subjects to which they pertain, to report to the Assembly at as early a day during its sessions as is possible.]

(13) *On Correspondence.*

Eleven ministers and ten elders.

To this Committee is referred the matter of correspondence with other Churches; they also nominate to the Assembly delegates to corresponding bodies.

(*14*) *On Benevolence.*

Eleven ministers and ten elders.

(*15*) *On the Narrative.*

Eleven ministers and ten elders.

That the General Assembly take measures to bring into distinct view at its different sessions the situation of the Presbyterian Church under its jurisdiction in the United States of America, with respect to the state of religion in the different Presbyteries, and the most probable expedients for reviving and promoting the essential interests of Christ's kingdom in the world; whereupon,

Resolved, That it be recommended to each Synod to enjoin it upon the respective Presbyteries within their bounds, to specify the above particulars in the annual reports which they make of the state of their respective churches, to be laid before the General Assembly at its stated meetings. —1792, p. 59.

a. *The narrative may not be omitted.*—Overture from the Presbytery of Philadelphia North, on the omission of the annual Presbyterial narrative to the Assembly on the state of religion. In reply the Committee would recommend the answer that the Presbyterial narratives on the state of religion are too valuable to be omitted. Adopted.—1893, p. 130.

b. *Narrative to notice the decease of ministers.*—*Resolved*, That the narrative on the state of religion annually contain a notice of the decease of all the ministers of our Church who may have been removed by death during the preceding year; and the several Presbyteries are ordered to incorporate with their reports on the state of religion, made to the Assembly, the case of every such removal within their bounds.—1822, p. 38.

[NOTE.—It is the usage for the Stated Clerk to read the Necrological Report in the Assembly, after which the Assembly is led in prayer by a member designated by the Moderator.]

(*16*) *On Temperance.*

Eleven ministers and ten elders.

(*17*) *On Leave of Absence.*

Resolved, That, as a standing rule of the Assembly, a Committee of five be appointed, whose duty it shall be to consider all applications for leave of absence, with power to decide on the same, in place of the house, and with instructions to require in every case satisfactory reasons for the necessity of such absence, and report to the house, at the commencement of every session, the members so dismissed; and that an appeal to the Assembly may be made in any instance of refusal on the part of the Committee to grant the application.—1833, p. 390.

Eleven ministers and ten elders.—1892, p. 190.

(*18*) *On Mileage.*

Consists of ten ruling elders.

[NOTE.—See under Chap. xxii. Of Commissioners to the General Assembly.]

(*19*) *On Finance.*

Resolved, That a Standing Committee of Finance be appointed, to whom the Treasurer's account (of the Trustees) shall be referred.—1842, p. 8, O. S.

Consists of ten ruling elders.

(20) On the Records of the Synods.

Consists of four ministers and three elders for each Synod.

14. Corresponding members. Ministers casually present not invited.

Upon motion, it was agreed that whereas this Assembly, copying the example of their predecessors, have admitted several ministers who are not commissioners to join in their deliberations and conclusions, but not to vote on any question, and although this Assembly has been much indebted to the wise counsels and friendly assistance of these corresponding ministers, nevertheless, on mature deliberation, it was

Resolved, As the opinion of this house,

1. That no delegated body has a right to transfer its powers, or any part thereof, unless express provision is in its Constitution.

2. That this Assembly is a delegated body, and no such provision is in its Constitution.—1791, p. 42.

15. Delegates from corresponding bodies.

At first these were not allowed to vote, but in 1794 the Assembly asked, and the General Association of Connecticut acceded to the request, that the delegates from these bodies respectively shall have a right not only to sit and deliberate, but also to vote, on all questions which may be determined by either of them.—1794, p. 80; 1795, p. 96.

The Assembly afterward (1827) asked that the right of voting be given up, and since 1830 corresponding members have the right only to sit and deliberate, but not to vote.

16. Secretaries of the Boards and Permanent Committees, with Stated and Permanent Clerks, have the privileges of corresponding members.

a. *Resolved,* That it be a standing rule of the Assembly that the Secretary of any of the Permanent Committees shall be entitled to the same privilege as the delegates from corresponding bodies, while the business entrusted to that Committee is under consideration in the house.

The Assembly voted that the same privilege be extended to the Stated and Permanent Clerks in reference to matters pertaining to their official duties.—1858, p. 581, N. S.

b. *Resolved,* That all the Secretaries of the Boards of the Church have the privilege of corresponding members of the General Assembly, in discussions bearing upon the interests of the Boards which they severally represent.—1870, p. 85.

[NOTE.—Privilege of Corresponding Members: "Such members shall be entitled to deliberate and advise, but not to vote in any decisions." Form of Government, Chap. x, Sec. xii. See this *Digest,* p. 228.]

17. Manual of the General Assembly.

Resolved, That the Stated Clerk is hereby empowered to prepare for the use of the General Assembly a Manual, containing the Rules for Judicatories, the Standing Orders and Rules, Directions to Committees, and such other items as may be of service to the Officers and Commissioners in connection with the business of the Assembly.—1893, p. 218.

Overture No. 227, being a communication from the Stated Clerk, submitting a copy of the "Manual of the General Assembly of the Presbyterian Church in the U. S. A.," prepared by him by order of the last Assembly. We recommend that this Manual be approved; that the thanks of the General Assembly be given to the Stated Clerk for his

useful volume, and that he be authorized to print another edition, with the Docket of the next Assembly and other matters added to the present contents.—1894, p. 157.

II. The General Assembly shall consist of an equal delegation of bishops and elders from each Presbytery in the following proportion, viz.: each Presbytery consisting of not more than twenty-four ministers shall send one minister and one elder, and each Presbytery consisting of more than twenty-four ministers shall send one minister and one elder for each additional twenty-four ministers, or for each additional fractional number of ministers not less than twelve, and these delegates so appointed shall be styled Commissioners to the General Assembly.—As amended, 1884, p. 103—Adopted, 1885, pp. 629, 630.

[NOTE.—See under Form of Government, Chap. xxii.]

1. The former ratios of representation.

That every Presbytery shall, at their last stated meeting preceding the meeting of the General Assembly, depute to the General Assembly commissioners in the following proportion: each Presbytery consisting of not more than six ministers shall send one minister and one elder; each Presbytery consisting of more than six ministers and not more than twelve shall send two ministers and two elders, and so in the same proportion for every six ministers.—1786, p. 524.

In 1819, p. 700, the ratio was altered by substituting the word nine for the word six, and the word eighteen in place of the word twelve. In 1826, p. 168, the ratio was increased from nine to twelve and from eighteen to twenty-four. In 1833, p. 401, the ratio was made as follows, viz., each Presbytery consisting of not more than twenty-four ministers, shall send one minister and one elder; and each Presbytery consisting of more than twenty-four ministers, shall send two ministers and two elders; and in the like proportion for every twenty-four ministers in each Presbytery.

The ratio as above was adopted.—1885, p. 630.

2. Where a Presbytery sends more than its proper representation, the last elected are refused.

The right of two persons to a seat in the Assembly from the Presbytery of Portage was questioned, whereupon their case was referred to the Committee of Elections. After considering the subject, the Committee reported that the names of the minister and elder last appointed should be erased, because the Presbytery is entitled to no more than two commissioners. This report was adopted.—1835, p. 466.

3. Sec. ii is mandatory both as to the proportion of ministers and elders, and as to sending the full number.

Overture from the Presbytery of Baltimore, asking, "Is the provision of the Form of Government (Chap. xii, Sec. ii) for sending commissioners to the General Assembly by each Presbytery mandatory or discretionary? 1. As to sending an equal number of bishops and elders? 2. As to sending the full number to which each Presbytery is entitled?"

Answer: Mandatory as to both.—1890, p. 46.

4. An elder who is a member of a church under the care of the Presbytery may be elected.

Overture from the Presbytery of Holston, asking, would the election of a ruling elder as a commissioner to the General Assembly be valid, if at the time of his election he were not in the Presbytery electing him? Such election would be valid, if he is a member of a church under the care of Presbytery. Adopted.—1889, p. 102.

III. Any fourteen or more of these commissioners, one-half of whom shall be ministers, being met on the day and at the place appointed, shall be a quorum for the transaction of business.

IV. The General Assembly shall receive and issue all appeals, complaints and references that affect the doctrine or Constitution of the Church, which may be regularly brought before them from the inferior judicatories; *Provided*, That in the trial of judicial cases the General Assembly shall have power to act by commission, in accordance with the provisions on the subject of Judicial Commissions in the Book of Discipline. They shall review the records of every Synod, and approve or censure them; they shall give their advice and instruction in all cases submitted to them in conformity with the Constitution of the Church; and they shall constitute the bond of union, peace, correspondence and mutual confidence among all our churches.

[NOTE.—As amended, 1880, p. 74, and 1881, p. 523; 1884, p. 89, and 1885, p. 637. See *Digest*, 1886, pp. 217, 218; and Book of Discipline, Chap. ix, Secs. lxx–cii.]

1. The Assembly will not ordinarily decide questions in thesi.

a. But while the General Assembly is invested with the power of deciding in all controversies respecting doctrine and discipline, of reproving, warning, or bearing testimony against error in doctrine in any church, Presbytery or Synod, or of suppressing schismatical contentions and disputations, all such matters ought to be brought before the Assembly in a regular and constitutional way. And it does not appear that the Constitution ever designed that the General Assembly should take up abstract cases and decide on them, especially when the object appears to be to bring those decisions to bear on particular individuals not judicially before the Assembly. Neither does it appear that the Constitution of the Church intended that any person or persons should have the privilege of presenting for decision, remonstrances respecting points of doctrine, on the conduct of individuals, not brought up from the inferior judicatories by appeal, reference or complaint, and this especially when such remonstrances contain no evidence whatsoever of the facts alleged, but mere statements, of the truth or justness of which the Assembly have no means of judging, inasmuch as a contrary course would allow of counter and contradictory remonstrances without end.—1822, p. 50. See 1870, p. 28.

b. It is ordinarily undesirable for the General Assembly to decide questions *in thesi* which are liable to be brought before it in its judicial capacity, as it may thus virtually prejudge cases of discipline; it appears better that it should ordinarily follow in this respect the uniform practice of civil courts to decide legal principles only on actual cases presented. —1856, p. 213, N. S.

c. Overture No. 13, being a request of the Rev. Samuel C. McCune that the Assembly would answer various questions connected with judicial processes in the lower courts.

The Committee recommend the following answer: These questions pertain either to supposed or to actual judicial processes. In either case it is not deemed proper that the Assembly should give specific answers to them. Adopted.—1866, p. 47, O. S.

d. Overture No. 28, from the Presbytery of Santa Fé. (1) Is it in accordance with the spirit and Constitution of the Church for a Board or Committee of the Assembly to receive complaints against the character and conduct of a minister without giving him full information on the subject or refuse to do so when asked? (2) What course should the Committee on Missions of a Presbytery take when a missionary sent into its bounds by a Board of the Assembly refuses to occupy the field assigned him by said Committee? (3) Is it the province of a missionary Presbytery to designate the field of labor of its members or of a missionary sent into its bounds by any Board of the Assembly? or does this right of designation belong to the Board sustaining the missionary?

The Committee recommend no action, inasmuch as it presents the case *in thesi*, and the questions involved will probably be settled ere long by the action of the Board of Foreign Missions. Adopted.—1872, p. 73; 1888, p. 133.

e. An overture from the Presbytery of Geneva, asking a deliverance of the Assembly interpreting the action of 1825 (Moore's *Digest*, ed. 1873, p. 626); of 1853 (p. 626); of 1856 (p. 627); of 1865 (p. 627); of 1872 (p. 628).

Answer: That it is inexpedient to answer *in thesi* questions which the Assembly may be called to answer judicially (*Minutes*, 1822, p. 50; 1856, p. 213, N. S.; 1866, p. 47, O. S.; 1870, p. 28; 1872, p. 73; Moore's *Digest*, ed. 1873, pp. 217, 218); especially as the subject is under consideration by the Revision Committee. Adopted.—1881, p. 586; also, p. 589.

f. Overture, being a paper from Dr. J. M. W. Farnham, from Shanghai, China, touching the lawfulness of reading a defamatory paper in open Presbytery before a trial has been initiated. We recommend that as this is a case *in thesi* the General Assembly declines to answer. Adopted.—1893, p. 118; 1892, p. 213.

2. The Assembly cannot remit the final decision of any matter affecting the doctrine of the Church to an inferior judicatory.

The report of the Special Committee on the Memorial of the Synod of India in the matter of the baptism of polygamists was taken up, adopted, and is as follows: . . . .

On only one point was your Committee unanimous, namely, that under the existing Constitution of the Presbyterian Church the request of the memorial cannot be granted. The request is in these words:

"We respectfully request the General Assembly, in view of the exceedingly difficult complications which often occur in the cases of polygamists who desire to be received into the Church, to leave the ultimate decision in all such cases in India to the Synod of India."

Your Committee are unanimously of the opinion that as the request contemplates a matter of doctrine it cannot be granted in view of the

provision contained in Chap. xii, Sec. iv, of the Form of Government, which is as follows:

"The General Assembly shall receive and issue all appeals, complaints and references that affect the doctrine or Constitution of the Church which may be regularly brought before them from the inferior judicatories."

The provision is mandatory. The General Assembly has no right to remit the final decision of any matter affecting the doctrine of the Church to an inferior judicatory.

According to the Constitution the duty of admitting candidates to the communion of the Church pertains to the Session of the local church. Should questions arise as to the propriety of admission or refusal they may be carried by appeal or complaint to the superior judicatories, and for ultimate decision to the General Assembly. . . . .

The only recommendation reported to the Assembly is: That in view of the mandatory nature of Chap. xii, Sec. iv, of the Form of Government, the request of the Synod of India contained in the memorial cannot be granted. Respectfully submitted,

E. R. Craven,
John D. Wells,
George Junkin.

—1896, pp. 149, 150.

[Note.—See at large under Sec. v, below, and Book of Discipline, Chap. ix.]

V. To the General Assembly also belongs the power of deciding in all controversies respecting doctrine and discipline; of reproving, warning or bearing testimony against error in doctrine or immorality in practice in any church, Presbytery or Synod; of erecting new Synods when it may be judged necessary; of superintending the concerns of the whole Church; of corresponding with foreign churches on such terms as may be agreed upon by the Assembly and the corresponding body; of suppressing schismatical contentions and disputations; and, in general, of recommending and attempting reformation of manners, and the promotion of charity, truth and holiness through all the churches under their care.

I. DECISIONS AND DELIVERANCES ON DOCTRINE.

[Note.—See for the fundamental provision in connection with the Assembly's power in relation to doctrine and discipline, the Confession of Faith, Chap. xxxi, Sec. 2. Also for deliverances upon the Holy Scriptures, Confession of Faith, Chap. i, pp. 45, 54, 57, 65, 66 of this *Digest*. For the case of Samuel Harker, p. 75; Hezekiah Balch, p. 71; William C. Davis, p. 79; Thomas G. Craighead, p. 80; John Miller, p. 75. The testimony of the Assembly of 1837 against doctrinal errors, as well as the Auburn declaration, and the deliverance of the Assembly of 1869, O. S., with reference to the latter document, are given below.]

II. TESTIMONY AGAINST DOCTRINAL ERRORS.

1. Deliverance of the Assembly of 1837.

The Assembly adopted that part of the report of the Committee on the memorial which relates to doctrinal errors, as follows, viz.:

As one of the principal objects of the memorialists is to point out certain errors more or less prevalent in our Church, and to bear testimony against them, your Committee are of opinion that as one great object of the institution of the Church was to be a depository and guardian of the

truth, and as by the Constitution of the Presbyterian Church in the United States it is made the duty of the General Assembly to testify against error; therefore,

Resolved, That the testimony of the memorialists concerning doctrine be adopted as the testimony of this General Assembly (with a few verbal alterations), which is as follows:

1. That God would have prevented the existence of sin in our world, but was not able without destroying the moral agency of man, or that, for aught that appears in the Bible to the contrary, sin is incidental to any wise moral system.

2. That election to eternal life is founded on a foresight of faith and obedience.

3. That we have no more to do with the first sin of Adam than with the sins of any other parent.

4. That infants come into the world as free from moral defilement as was Adam when he was created.

5. That infants sustain the same relation to the moral government of God in this world as brute animals, and that their sufferings and death are to be accounted for on the same principles as those of brutes, and not by any means to be considered as penal.

6. That there is no other original sin than the fact that all the posterity of Adam, though by nature innocent or possessed of no moral character, will always begin to sin when they begin to exercise moral agency; that original sin does not include a sinful bias of the human mind and a just exposure to penal suffering; and that there is no evidence in Scripture that infants, in order to salvation, do need redemption by the blood of Christ and regeneration by the Holy Ghost.

7. That the doctrine of imputation, whether of the guilt of Adam's sin or of the righteousness of Christ, has no foundation in the Word of God, and is both unjust and absurd.

8. That the sufferings and death of Christ were not truly vicarious and penal, but symbolical, governmental and instructive only.

9. That the impenitent sinner is by nature, and independently of the renewing influence or almighty energy of the Holy Spirit, in full possession of all the ability necessary to a full compliance with all the commands of God.

10. That Christ does not intercede for the elect until after their regeneration.

11. That saving faith is not an effect of the special operation of the Holy Spirit, but a mere rational belief of the truth or assent to the Word of God.

12. That regeneration is the act of the sinner himself, and that it consists in a change of his governing purpose which he himself must produce, and which is the result, not of any direct influence of the Holy Spirit on the heart, but chiefly of a persuasive exhibition of the truth analogous to the influence which one man exerts over the mind of another, or that regeneration is not an instantaneous act, but a progressive work.

13. That God has done all that He can do for the salvation of all men, and that man himself must do the rest.

14. That God cannot exert such influence on the minds of men as shall make it certain that they will choose and act in a particular manner without impairing their moral agency.

15. That the righteousness of Christ is not the sole ground of the sinner's acceptance with God, and that in no sense does the righteousness of Christ become ours.

16. That the reason why some differ from others in regard to their reception of the Gospel is that they make themselves to differ.

Against all these errors, whenever and wherever and by whomsoever taught, the Assembly would solemnly testify, and would warn all in connection with the Presbyterian Church against them. They would also enjoin it upon all the inferior judicatories to adopt all suitable measures to keep their members pure from opinions so dangerous. Especially does the Assembly earnestly enjoin on all the Presbyteries to guard with great care the door of entrance to the sacred office. Nor can the Assembly regard as consistent with ministerial ordination vows an unwillingness to discipline according to the rules of the Word of God and of our Standards any person already a teacher who may give currency to the foregoing errors. Yeas 109; nays 6; *non liquet* 11.—1837, pp. 468–470.

[NOTE.—For the memorial referred to above, see Baird's *Digest*, 1858, pp. 710–715; especially p. 711. *Minutes*, 1837, pp. 468, 469; also *Reprint Minutes*, 1821–1837, pp. 618–620.]

2. An explication of doctrines.

Protest to the Assembly of 1837, including the document afterwards known as the Auburn Declaration.

The following final article of a protest on the general action of the Assembly in reference to the "Memorial" was ordered to be placed upon the minutes, viz.:

We protest finally, because, in view of all the circumstances of the case, we feel that while we were prevented from uniting in the final vote with the majority in their testimony against error, for the reasons above stated, we owe it to ourselves, to our brethren, to the Church and to the world to declare and protest that it is not because we do, directly or indirectly, hold or countenance the errors stated. We are willing to bear our testimony in full against them, and now do so, when, without misapprehension and liability to have our vote misconstrued, we avow our real sentiments, and contrast them with the errors condemned, styling them, as we believe, the true doctrine, in opposition to the erroneous doctrine condemned, as follows, viz.:

First Error. "That God would have prevented the existence of sin in our world, but was not able without destroying the moral agency of man; or that, for aught that appears in the Bible to the contrary, sin is incidental to any wise moral system."

True Doctrine. God permitted the introduction of sin, not because he was unable to prevent it, consistently with the moral freedom of his creatures, but for wise and benevolent reasons which he has not revealed.

Second Error. "That election to eternal life is founded on a foresight of faith and obedience."

True Doctrine. Election to eternal life is not founded on a foresight of faith and obedience, but is a sovereign act of God's mercy, whereby, according to the counsel of his own will, he hath chosen some to salvation; "yet so as thereby neither is violence offered to the will of the creatures, nor is the liberty or contingency of second causes taken away, but rather established," nor does this gracious purpose ever take effect independently of faith and a holy life

Third Error. "That we have no more to do with the first sin of Adam than with the sins of any other parent."

True Doctrine. By a divine constitution, Adam was so the head and representative of the race that, as a consequence of his transgression, all mankind became morally corrupt and liable to death, temporal and eternal.

Fourth Error. "That infants come into the world as free from moral defilement as was Adam when he was created."

True Doctrine. Adam was created in the image of God, endowed with

knowledge, righteousness and true holiness. Infants come into the world not only destitute of these, but with a nature inclined to evil, and only evil.

Fifth Error. "That infants sustain the same relation to the moral government of God in this world as brute animals, and that their sufferings and death are to be accounted for on the same principles as those of brutes, and not by any means to be considered as penal."

True Doctrine. Brute animals sustain no such relation to the moral government of God as does the human family. Infants are a part of the human family; and their sufferings and death are to be accounted for on the ground of their being involved in the general moral ruin of the race induced by the apostasy.

Sixth Error. "That there is no other original sin than the fact that all the posterity of Adam, though by nature innocent, will always begin to sin when they begin to exercise moral agency; that original sin does not include a sinful bias of the human mind and a just exposure to penal suffering; and that there is no evidence in Scripture that infants, in order to salvation, do need redemption by the blood of Christ and regeneration by the Holy Ghost."

True Doctrine. Original sin is a natural bias to evil, resulting from the first apostasy, leading invariably and certainly to actual transgression. And all infants, as well as adults, in order to be saved, need redemption by the blood of Christ and regeneration by the Holy Ghost.

Seventh Error. "That the doctrine of imputation, whether of the guilt of Adam's sin or of the righteousness of Christ, has no foundation in the word of God, and is both unjust and absurd."

True Doctrine. The sin of Adam is not imputed to his posterity in the sense of a literal transfer of personal qualities, acts and demerit; but by reason of the sin of Adam, in his peculiar relation, the race are treated as if they had sinned. Nor is the righteousness of Christ imputed to his people in the sense of a literal transfer of personal qualities, acts and merit; but by reason of his righteousness, in his peculiar relation, they are treated as if they were righteous.

Eighth Error. "That the sufferings and death of Christ were not truly vicarious and penal, but symbolical, governmental and instructive only."

True Doctrine. The sufferings and death of Christ were not symbolical, governmental and instructive only, but were truly vicarious—*i. e.*, a substitute for the punishment due to transgressors. And while Christ did not suffer the literal penalty of the law, involving remorse of conscience and the pains of hell, he did offer a sacrifice which infinite wisdom saw to be a full equivalent. And by virtue of this atonement overtures of mercy are sincerely made to the race, and salvation secured to all who believe.

Ninth Error. "That the impenitent sinner is by nature, and independently of the renewing influence or almighty energy of the Holy Spirit, in full possession of all the ability necessary to a full compliance with all the commands of God."

True Doctrine. While sinners have all the faculties necessary to a perfect moral agency and a just accountability, such is their love of sin and opposition to God and his law that, independently of the renewing influence or almighty energy of the Holy Spirit, they never will comply with the commands of God.

Tenth Error. "That Christ does not intercede for the elect until after their regeneration."

True Doctrine. The intercession of Christ for the elect is previous as well as subsequent to their regeneration, as appears from the following Scripture, viz.: "I pray not for the world, but for them which thou hast given me, for they are thine. Neither pray I for these alone, but for them also which shall believe on me through their word."

Eleventh Error. "That saving faith is not an effect of the operations of the Holy Spirit, but a mere rational belief of the truth or assent to the word of God."

True Doctrine. Saving faith is an intelligent and cordial assent to the testimony of God concerning his Son, implying reliance on Christ alone for pardon and eternal life, and in all cases it is an effect of the special operation of the Holy Spirit.

Twelfth Error. "That regeneration is the act of the sinner himself, and that it consists in a change of his governing purpose which he himself must produce, and which is the result, not of any direct influence of the Holy Spirit on the heart, but chiefly of a persuasive exhibition of the truth, analogous to

the influence which one man exerts over the mind of another, or that regeneration is not an instantaneous act, but a progressive work."

True Doctrine. Regeneration is a radical change of heart, produced by the special operations of the Holy Spirit, "determining the sinner to do that which is good," and is in all cases instantaneous.

Thirteenth Error. "That God has done all that he can do for the salvation of all men, and that man himself must do the rest."

True Doctrine. While repentance for sin and faith in Christ are indispensable to salvation, all who are saved are indebted from first to last to the grace and Spirit of God. And the reason that God does not save all is not that he wants the *power* to do it, but that in his wisdom he does not see fit to exert that power further than he actually does.

Fourteenth Error. "That God cannot exert such influence on the minds of men as shall make it certain that they will choose and act in a particular manner without impairing their moral agency."

True Doctrine. While the liberty of the will is not impaired, nor the established connection betwixt means and end broken by any action of God on the mind, he can influence it according to his pleasure, and does effectually determine it to good in all cases of true conversion.

Fifteenth Error. "That the righteousness of Christ is not the sole ground of the sinner's acceptance with God, and that in no sense does the righteousness of Christ become ours."

True Doctrine. All believers are justified, not on the ground of personal merit, but solely on the ground of the obedience and death, or, in other words, the righteousness, of Christ. And while that righteousness does not become theirs in the sense of a literal transfer of personal qualities and merit, yet, from respect to it, God can and does treat them as if they were righteous.

Sixteenth Error. "That the reason why some differ from others in regard to their reception of the Gospel is that they make themselves to differ."

True Doctrine. While all such as reject the Gospel of Christ do it not by coercion, but freely, and all who embrace it do it not by coercion, but freely, the reason why some differ from others is because God has made them to differ.

George Duffield, E. W. Gilbert, Thomas Brown, Bliss Burnap, N. S. S. Beman, E. Cheever, E. Seymour, George Painter, F. W. Graves, Obadiah Woodruff, N. C. Clark, Robert Stuart, Nahum Gould, Absalom Peters, Alexander Campbell.—1837, pp. 484–486; also *Reprint Minutes*, 1821–1837, pp. 634–636

3. Action of Old School Assembly, 1869, on alleged toleration of doctrinal errors by the New School.

[NOTE.—A Protest "Against the Terms of Union approved by the Assembly and its action in relation to them," was offered by Dr. E. P. Humphrey and others.—1869, p. 658, O. S. For the Protest, see *Digest*, 1886, pp. 81–86, and *Minutes*, pp. 658–661, O. S. The answer of the Assembly to this Protest was adopted and ordered to be entered on the minutes.]

4. Answer to the Protest.

In reply to the Protest against its action on the Terms of Union, the Assembly observes:

The authors of the Protest first speak of a series of doctrinal errors and heresies, which may be concisely stated as follows: (1) There is no moral character in man prior to moral action, and therefore man was not created holy. (2.) There was no covenant made with Adam, his posterity did not fall with him, and every man stands or falls for himself. (3) Original sin is not truly and properly sin bringing condemnation, but only an innocent tendency leading to actual transgression. (4) Inability of any and every kind is inconsistent with moral obligation. (5) Regeneration is the sinner's own act, and consists in the change of his governing purpose. (6) God cannot control the acts of free agents, and therefore cannot prevent sin in a moral system. (7) Election is founded upon God's foreknowledge that the sinner will repent and believe. (8) The sufferings of Christ are not penal, and do not satisfy retributive justice. (9) Justification is pardon merely, and does not include restoration to favor and acceptance as righteous.

These doctrinal errors the authors of the Protest are careful to say are repudiated by the great mass of the New School Church. They say that "they

are far from believing or insinuating that these doctrines are generally approved by the New School Church"—that "they do not impute these errors to a majority, or to any definite proportion of our New School brethren."

The charge that is made in this Protest, and the only charge made in this reference, is, that while the other branch of the Presbyterian Church repudiate these doctrines for themselves, they at the same time hold that they are *consistent with the Calvinism of the Confession of Faith*. The authors of the Protest allege that it is the judgment of the New School body that a person can logically and consistently accept the Westminster symbol and these nine or ten Pelagian and Arminian tenets at one and the same time. This is the substance of their charge.

The Assembly pronounces this allegation to be without foundation, because:

1. Such a position, if taken by the New School Church, or by any Church whatsoever, would simply be self-stultifying and absurd. That a great religious denomination, which from the beginning of its organization in 1837, down to the present time, has held up the Westminster Confession as its symbol, has compelled every one of its ministers and elders to subscribe to that symbol, and has received its membership into church communion upon professing faith in the doctrines of that symbol; that an ecclesiastical body which has thus stood before the other churches of this and other lands as a *Calvinistic* body, and has been reckoned and recognized as such, should at the same time be jealous in behalf of the distinguishing doctrines of Pelagianism and Arminianism, and insist that these latter are *consistent* with the former, and are to be tolerated in a Calvinistic body, is too much for human belief. The entire history of the Church does not present such a phenomenon as that of a denomination adopting before the world a definite type of doctrine, and at the same time claiming that exactly the contrary type of doctrine is compatible with it, and must be tolerated within its communion. If the New School Church are really doing what the signers of this Protest allege they are, then their position before the churches and the world would be as absurd as would have been the position of the Nicene Church if, at the very time that it adopted and defended the Trinitarianism of Athanasius, it had insisted that the tenets of Arius or those of the Humanitarians were consistent with those of the great father of orthodoxy, and must be allowed in the Catholic Church. The human mind, even in its natural condition, never did work in this manner and never will; and still less will the human mind, when renewed and sanctified by divine grace, be guilty of such a palpable inconsistency.

2. These very errors, charged by the signers of the Protest as allowed by the New School Presbyterians, have already been distinctly repudiated by them. The Auburn Convention, held in 1837 under the influence and doctrinal guidance of that excellent and sound divine, the late Dr. Richards, specified sixteen doctrinal errors, which contain the very same latitudinarian and heretical tenets mentioned in the Protest, rejected them *in toto* and set over against them sixteen "true doctrines," which embrace all the fundamentals of the Calvinistic creed. This Assembly regards the "Auburn Declaration" as an authoritative statement of the New School type of Calvinism, and as indicating how far they desire to go, and how much liberty they wish in regard to what the Terms of Union call "the various modes of explaining, illustrating, and stating" the Calvinistic faith. We believe that a large number of our New School brethren would prefer the modes of "explaining and illustrating" the tenets of Calvinism which are employed by the authors of this Protest themselves, and the other portions of the body claim only that degree of variation from these modes which would be represented by the theology of Richards and the Auburn Declaration.

The Assembly is fully satisfied that any instances of laxity of doctrine among the New School which have been exhibited, are exceptional cases, and that the great body of the other Church sincerely and firmly stand upon the basis of our common Standards. The many disclaimers of the unsound views charged, and declarations that the standards are received as by us, which have been made by distinguished and representative men, and in the periodicals of the New School Church, leave no room to doubt that the interests of sound doctrine will be safe in the united Church.

4. That the allegation of this Protest is unfounded is proven by the fact that the New School Church have adopted, by a unanimous vote, the Basis of Doctrine presented by the Joint Committee. Whatever may be the preferences and opinions of individuals respecting particular clauses in the first article in

this basis, this General Assembly holds and affirms that it not only commits, but *binds* any ecclesiastical body that should receive it to pure and genuine Calvinism. It will be so understood by all the world. For it expressly lays down the Westminster symbol as the doctrinal platform, and expressly requires that no doctrine shall be taught that is not Calvinistic in the old, ancestral, "historical" meaning of this term, or that "impairs the integrity" of the Calvinistic system. We affirm that there is not a man upon the globe, possessed of a sane mind, and acquainted with the subject of doctrine, who would assert that the list of errors and heresies mentioned by the signers of this Protest is "Calvinistic" in the accepted and historical signification of the term, or that their reception would not impair the integrity of the Calvinistic system.

And it must be distinctly observed that if any doctrines had been hitherto allowed by the New School body which "impair the integrity of the Calvinistic system," they are not to be allowed in the united Church under the terms of union. Such doctrines are condemned, and any one who may teach them will be subject to discipline. It is the testimony of some of the protesters themselves that the great body of the New School are sound in doctrine; our own body being the large majority in the union, when fortified by the accession of the great body of sound men in the other, will establish and confirm the testimony of the Church to the truth; will preserve it, by God's help, from error, and maintain intact, while it extends, the purifying and saving power of our venerated Confession.

5. The errors and heresies alleged in the Protest are combated and refuted in the Theological Seminaries of the New School.

Such Seminaries, in any denomination, are important exponents of its doctrinal position and character. The Assembly knows that in the three Seminaries of our New School brethren, Westminster Calvinism is fully and firmly taught. The Professors in these are obliged to subscribe the Westminster Confession, and heretical teaching throws the Professor out of his chair by the very constitution of these Seminaries. The Assembly notices this point particularly, because the authors of the Protest assert that the doctrinal errors specified by them "have been taught in some of the Theological Seminaries *of our land.*" This is not the proper manner in which to affix so grave and damaging a stigma upon our New School Presbyterian brethren. The authors of this Protest ought to have made this allegation, not in the way of insinuation, but by distinct assertion and proof. Many things are "taught in the Theological Seminaries *of our land,*" which are not taught in the *Presbyterian* Seminaries of the land, either New School or Old.

6. The Protest alleges it to be a "notorious fact" that the New School Church insists that the heresies mentioned are compatible with Calvinism. If the alleged fact had been so "notorious," as the Protest affirms, it would certainly have been known to this Assembly, and would have made it simply impossible to have secured for the Basis of the Joint Committee, or for any other conceivable basis, any favorable consideration. The idea of reunion would not have been entertained for a moment.

Furthermore, this Assembly emphatically holds up to the Church and to the world, that it receives into its ministry and membership those who adopt "the system of doctrine taught in our Confession," and that it never has held, and does not now hold, that its ministers or members shall "view, state, or explain" that system in any other than the words of the Holy Scriptures and our Standards; and to show that this is the sentiment not only of the Assembly, but of the protesters themselves also, the Assembly here cites the testimony of one of the signers of the Protest, whose words have been referred to in the discussions just closed. Says Dr. Hodge:

"If a man comes to us, and says he adopts 'the system of doctrine' taught in our Confession, we have a right to ask him, 'Do you believe there are three persons in the Godhead—the Father, the Son, and the Holy Ghost—and that these three are one God, the same in substance, equal in power and glory?' If he says, Yes, we are satisfied. We do not call upon him to explain *how* three persons are one God, or to determine what relations in the awful mysteries of the Godhead are indicated by the terms Father, Son, and Holy Ghost. If we ask, Do you believe that 'God created man male and female, after his own image, in knowledge, righteousness and holiness, with dominion over the creatures?' and he answers, Yes, we are satisfied. If he says he believes that 'the covenant being made with Adam, not only for himself, but for his pos-

terity, all mankind descending from him by ordinary generation, sinned in him, and fell with him, in his first transgression,' we are satisfied. If he says that he believes that 'the sinfulness of that estate whereinto man fell consists in the guilt of Adam's first sin, the want of original righteousness, and the corruption of his whole nature, which is commonly called original sin, together with all actual transgressions which proceed from it,' *we are satisfied*. If he says, 'Christ executes the office of a priest in his once offering himself a sacrifice to satisfy Divine justice, and reconcile us to God, and in making continual intercession for us;' we are satisfied. If he says he believes justification to be 'an act of God's free grace, wherein he pardoneth all our sins, and accepteth us as righteous in his sight, only for the righteous of Christ imputed to us, and received by faith alone,' we are satisfied. Is not this what is meant when a man says he adopts our 'system of doctrine'? Is not this—nothing more and nothing less—that which we are authorized and bound to require? God grant that we may unite on terms so simple, so reasonable, and, I must hope, so satisfactory to every sincere, humble, Christian brother."—(*Remarks of the Rev. Charles Hodge, D.D., in the Philadelphia Convention.*)

The Assembly cannot enlarge the basis beyond the platform of God's truth as stated in our Standards, and it would not narrow the basis by taking one tittle from the form of sound words therein contained. We declare our willingness to unite with all those who profess their faith in the Lord Jesus Christ, and their adoption of "the Confession of Faith and Form of Government" of our beloved Church.

The protesters object to the eighth item of the Basis, because it makes the united Church responsible for the publications of the New School Committee. This is a misapprehension. The publications of the New School Committee and our Board are to be issued as now, with the imprint of each, until the new Board shall prepare a new catalogue, for which alone the united Church will be responsible.

Again, the protesters object to the fourth article as unsettling past acts of our Church. This a matter of necessity where the action of the two bodies differs. It is believed, however, that except in the case of the imperative clause of the examination rule of 1837, no important difference can be found. If it is otherwise, the united Church is the proper body to establish its own usages. We do not believe that our brethren of the New School Church have now any sympathy with Congregational views of government, or any objection to usages that are strictly Presbyterian

The various amendments proposed by the protesters were laid on the table, not because they were contrary to the sentiment of the Assembly, but because, under the circumstances, it was not possible to engraft them upon the terms of the union, and, in the judgment of the Assembly, they were not essential to the integrity of the Calvinistic basis on which the union is to be effected.

William G. T. Shedd, J. G. Monfort, S. Irenæus Prime, H. H. Leavitt, Robert McKnight, *Committee.*—1869, pp. 658–665, O. S.

III. TO RECEIVE PETITIONS, MEMORIALS, APPEALS, COMPLAINTS, ETC.

1. The right to petition and to memorialize the Assembly affirmed.

a. We, the undersigned, members of Assembly, respectfully enter our protest against the action of the General Assembly, in postponing indefinitely the resolution offered by Dr. Neill, in favor of the right of petition by our Presbyteries and Synods; because—

1. No opportunity was offered to any member to express his views on the subject previously to the vote; thus the Assembly was hurried into a decision, without opportunity to consider the great injuries done by thus virtually denying this sacred right.

2. Because the spirit of our free form of government is thus violated, inasmuch as it secures to the lower judicatories the right of being heard on all moral and religious subjects, when they present their views in a regular and constitutional manner.

To this the Assembly reply:

The protest imputes to this Assembly a principle which it never

adopted, viz., the denial of the right of petition. The true reason of the indefinite postponement of Dr. Neill's paper was, that as no one doubted the right of petition, a further consideration of the subject would consume time by useless debate and legislation. The Committee regard this statement as a sufficient answer to the protest in question.—1841, p. 449, O. S.

b. The Committee to whom was referred the protest of W. Bushnell and others in relation to the action of the Assembly on certain petitions respecting the abolition of slavery, reported, recommending the adoption of the following minute:

The General Assembly, recognizing the right of inferior judicatories, and private members, *upon their own responsibility*, to memorialize this body on any subject which they may regard as connected with the interests of the Church, and finding no fault with the language of the protest, admit it to record without further notice.—1844, p. 376, O. S.

2. One who does not submit is debarred the right to petition.

The Committee to which was referred the petition of Mr. Bourne reported, and their report, being read, was accepted. Whereupon it was resolved, that as it appears to be a fact that Mr. Bourne has not submitted to the judgment of the Assembly in affirming a decision by which he was deposed from the Gospel ministry, he be permitted to withdraw his petition.—1823, p. 93.

3. Overtures on any pending judicial case will not be received.

The Judicial Committee has had referred to it overtures from the following Presbyteries, to wit: Indianapolis, Chicago, Bloomington, La Crosse, Kingston, Monroe, Denver, Elizabeth, Montana, Petoskey, Lake Superior, Mattoon, Trinity, Lyons, Milwaukee, Boston, White Water, Chippewa, Austin, Steuben, Detroit, Grand Rapids, Cayuga, Albany, Mankato, Binghamton, Niagara, Utica and North River, all of which overture the Assembly to take certain specific action, some in one direction and some in another, in a judicial case pending before this Assembly. It has also had referred to it overtures from the following Presbyteries, viz.: North River, Utica, Niagara, Binghamton, Mankato, Albany, Cayuga, Mattoon, Steuben, Grand Rapids, Rochester, Montana, Newark, Syracuse and Grand Rapids, all of which overture that certain changes be made in the Book of Discipline to prevent any appeal being taken, in the future, direct from the Presbytery to the General Assembly. Your Committee, having carefully considered all of said overtures, recommend the adoption by the Assembly of the following resolution:

Resolved, That a Presbytery has the undoubted right of petition to the General Assembly, as to all matters relating to the polity of the Church; but an overture from a Presbytery, advising the Assembly what action should be taken by said Assembly in a pending judicial case, is an irregular and unprecedented ecclesiastical procedure. Every Presbytery has the right and the opportunity to have its opinion on a pending judicial case expressed through its commissioners on the floor of the Assembly; but it has not the right by overture to try to influence the decision of the Assembly on any pending judicial case. It is, therefore, recommended that all such overtures, in so far as they relate to the action

of the Assembly in any case now pending before it, be laid upon the table.—1893, p. 91.

4. The rule as adopted at the Reunion, 1870: Bills, overtures, etc., received only from Presbyteries and Synods.

The report of the Joint Committee on Reconstruction recommended the following, which was adopted:

As much time is consumed and the attention of the Assembly distracted with overtures and questions of minor importance coming up from various quarters, impeding the transaction of business of more general interest, it is recommended that the Assembly order that, hereafter, bills and overtures come up only from Synods or Presbyteries; yet, that this may not prevent any Committee of Bills and Overtures from bringing before the house, of its own motion, upon a two-thirds vote of the Committee, any matter which they may deem of sufficient importance to engage the attention of the General Assembly.—1870, p. 90.

5. The rule of 1870 affirmed and enforced.

a. From the Rev. Joseph Mathers, pastor of the church of Logan's Valley, Pa., asking advice regarding the church relations of persons who felt aggrieved by a certain disposition of church property. While your Committee recognize the rule that might have debarred this overture, they recommend the Assembly to direct the parties to make their complaints to their Presbytery or Synod. Adopted.—1882, p. 97.

b. Overture on the subject of communion wine, signed by Rev. Henry K. Hennigh. The Committee are of opinion that an overture coming from a private individual, instead of from a lower Church judicatory, should not be regarded as properly before the Assembly. This was so held by the Assembly of 1870 (see *Digest*, 1886, p. 523).

But if this point could be considered doubtful, the deliverance of the Assembly of 1881 (p. 548) fully covers the subject of this overture, and a reference thereto is a sufficient answer. We therefore recommend that no further answer be given. Adopted.—1882, p. 57; 1885, p. 685.

c. Overture.—A memorial from the Rev. Jonathan Edwards, D.D., LL.D., and Rev. Raymond H. Leonard, in relation to the use of the New Version of the New Testament by the Board of Publication in its Sabbath-school helps. This memorial is affected by the same rule referred to in answer to No. 10. It comes up to the Assembly through none of the lower judicatories of the Church. But if the right of the memorialists to be heard is considered, the Committee are not aware of any action of the Board relating to the New Version, or of any use made of the same in its Sabbath-school helps, except as an aid to a proper understanding of the text of the Standard Version. No action, therefore, seems to be needed.—1882, p. 58.

d. Overture from the pastor and the President of the Board of Trustees of the West Union Church, Presbytery of Washington, W. Va., asking that Chap. xv, Sec. iv, of our Form of Government, be thus interpreted: "The congregation have the right, when assembled for the transaction of secular business or the election of a pastor, to decline receiving the votes of such church members as may either refuse to support the church or as may refuse to contribute, according to the rules of that congregation, to all its necessary expenses."

Your Committee would respectfully answer this overture by referring to the rule of the General Assembly on p. 523, Moore's *Digest*, 1886, which debars the reception of overtures except such as are presented through a Synod or Presbytery. Adopted.—1883, p. 627.

e. Overture from the Rev. John Pym Carter, with reference to a constitutional amendment which shall empower the Presbyteries to take, in the election, ordination and installation of ruling elders, the same oversight as in the case of pastors.

The Committee recommend the following answer: The overture is irregular, as the General Assembly has decided that all overtures shall come to it through Presbyteries or Synods, and not through individuals or Sessions. Adopted.—1883, p. 627.

[NOTE.—See under (8) below, 1887, p. 118.]

6. The rule does not deny the right of petition: its repeal inexpedient.

Overture from the Presbytery of Baltimore, asking the repeal of the Standing Rule in the *Minutes* of the Assembly for 1870, p. 90, which limits the right of petition or overture to the Presbyteries and Synods, and thus "deprives the Church at large of the inalienable right of petition."

The Committee recommends that as the rule referred to does not deny the right of petition, but only prescribes an orderly method of action, and saves the Assembly from unnecessary demands upon its time, the overture be answered in the negative. Adopted.—1884, pp. 75, 76.

[NOTE.—The rule gives wide discretion to the Committee of Bills and Overtures, see No. 4, above: "Any matter which they may deem of sufficient importance to engage the attention of the General Assembly."—1870, p. 90.]

7. Memorial from an individual received.

a. A memorial from David M. Wilson, of the Presbytery of Kingston, Synod of Tennessee, praying this General Assembly to give an authoritative deliverance in reference to the right of a Synod to organize a colored Presbytery on territory included in Presbyteries already existing.

The Committe on Polity recommend that this request be granted, and that the authoritative deliverance be made according to the definition of a Presbytery in Chap. x, Sec. ii, of our Form of Government. Adopted. —1873, p. 525.

b. From the Rev. Luther Dodd, a member of the Presbytery of Fort Dodge (received and answered).—1879, p. 613.

c. From a member of the Presbytery of Iowa City, asking, etc. (received and answered; see below, Chap. xiii, Sec. iv).—1880, p. 46.

d. From parties unknown to your Committee(received and answered). —1880, p. 46.

e. An overture, "from the venerable patriarch, the Rev. Samuel C. Jennings, asking the Assembly to urge the importance of practical work in the cause of temperance" (answered by referring to former testimonies; *Digest*, 1886, pp. 595–605).—1881, p. 550.

f. From Chaplain Blake, answered: "Do not think it wise for this Assembly to interfere in the case as an Assembly."—1889, p. 111.

8. The overtures contemplated by the Rule of 1870 defined.

The Standing Committee on the Polity of the Church presented a report, which was adopted, and is as follows:

An overture has been referred to your Committee from Mr. David H. Miller, of Chicago, Ill., propounding several questions which he desires this Assembly to answer, as explanatory of Chapter x, Sec. viii, of our Form of Government. The practice of the Assembly with respect to the reception and consideration of papers, originating with private individuals, as distinguished from Presbyteries and Synods, is by no means uniform. For the most part, however, the Assembly has distinguished in this matter between overtures or papers bearing upon general topics on the one hand, and memorials or papers relating to personal interests on the other. In the judgment of your Committee, this distinction deserves to be emphasized. The right of petition is inviolable in the Church as in the State; and whenever private interests are involved, a memorial sent to this body ought to be received, and the determination of the Assembly considered. When, however, papers of a general character, which may properly be called overtures, are presented, in order to be entertained by the Assembly, they should come through the medium of the Presbytery or the Synod.

The paper of Mr. Mitchell, which has been referred to your Committee, is presented in this, and belongs to the latter class. Your Committee, therefore, recommends that with reference to it no action be taken. Adopted.—1887, p. 118.

9. Memorials, overtures, etc., have been received from—

a. The Broadway Presbyterian Church, Rock Island (answered).—1878, p. 71.

b. From the Session of the First Church, Dayton, O. (answered).—1882, pp. 98, 99. [See below, Form of Government, Chap. xiii, Sec. iv.]

c. From the Presbyterian Annuity and Life Insurance Co.—1876, p. 44 and pp. 72, 73; 1881, p. 550.

d. Overture.—A request from the Woman's Presbyterial Missionary Society of the Presbytery of Alton, that the Assembly define the boundary lines between the Woman's Board of the Northwest and the Woman's Board of the Southwest, with the view of preventing confusion and embarrassment in the operations of said societies.

The Committee recommend that no action be taken. Adopted, 1878, p. 69.

[NOTE.—All memorials, overtures, petitions, etc., are referred to the Committee of Bills and Overtures, which reports to the Assembly and recommends what disposition shall be made of them.]

IV. POWER OF VISITATION.

1. The power of visitation exercised by the Assembly.

a. In the examination of the appeal of Mr. Chavis it has appeared that great irregularities of administration and discipline exist in the Presbytery of Atlantic and in some of its churches, which require investigation and correction; and, to that end, your Committee beg leave to recommend the following:

Resolved, That the Rev. E. E. Swift, D.D., the Rev. James Allison, D.D., the Rev. R. H. Allen, D.D., James B. Lyon, Esq., and John

C. McComb, Esq., officers and members of the Board of Missions for Freedmen, be and they are hereby appointed a Committee, and are instructed to visit the Presbytery of Atlantic and the churches thereof, to inquire into their condition, and any irregularities of practice or discipline which may exist therein; and to aid with their advice in correcting the same, and, so far as possible, to strengthen and encourage the churches, pastors and missionaries in the bounds of said Presbytery; and that the Committee make report of their doings to the next General Assembly.

Resolved, That the necessary expenses of the Committee be audited by said Board, and be paid out of the treasury thereof. Adopted.—1884, p. 108.

[NOTE.—See Book of Discipline, Secs. lxxv, lxxvi.]

Report of the Committee.

b. The Special Committee appointed by the last Assembly to visit the Synod of Atlantic (*Minutes*, 1884, p. 108) presented its report, which was accepted, approved, and the Committee discharged. The report is as follows:

A judicial case, involving the moral character of one of the members of the Presbytery, was brought, by complaint, to the attention of the last Assembly. It was, perhaps, the knowledge of this case that created the impression in that Assembly that licentiousness was too often tolerated or too leniently dealt with, and occasioned the appointment of your Committee.

With the settlement of that judicial case your Committee could have nothing to do. The last Assembly had directed the Synod of Atlantic to take proper action in the premises. The business of the Committee was confined to inquiries with regard to the state of morals among the colored people within the limits of the Presbytery of Atlantic, and the faithfulness of Sessions in the maintenance of discipline.—1885, p. 584.

[NOTE.—For the report of the Committee of the result of their inquiries and action, see Moore's *Digest*, 1886, pp. 527, 528.]

2. Committee to Visit Lane Seminary.

[NOTE.—See under Lane Seminary, Chap. xii, Sec. v, below.]

V. PASTORAL LETTERS AND DELIVERANCES ON TOPICS OF VITAL INTEREST.

[NOTE.—Under its general powers, as defined in Sec. v, the Assembly from time to time, as the exigencies of the times demanded, issued pastoral letters and deliverances on topics of vital interest. Those designated in this paragraph are omitted in this *Digest*, for the reason that the most of them were called forth by events and situations which are now largely historical, and for the further reason that they may be found in the several *Digests* named.]

1. On Missions.

[NOTE.—See *Digest*, 1886, pp. 280, 281; *Minutes*, 1719, p. 58.]

2. On occasion of the old French War.

[NOTE.—See *Digest*, 1886, pp. 281, 282; *Minutes*, 1756, p. 276.]

3. On the repeal of the Stamp Act.

[NOTE.—See *Digest*, 1886, pp. 282-284; *Minutes*, 1766, p. 362.]

4. Upon occasion of the Revolutionary War.

[NOTE.—See *Digest*, 1886, pp. 284–287; *Minutes*, 1775, pp. 466–469.]

5. Address to Washington on his election to the Presidency and reply.

[NOTE.—See *Digest*, 1886, pp. 287–289; *Minutes*, 1789, p. 11.]

6. On the results of the French Revolution.

[NOTE.—See *Digest*, 1886, pp. 289–291; *Minutes*, 1798, p. 152.]

7. On disturbances in Kentucky and the Southwest.

[NOTE.—See *Digest*, 1886, pp. 291–294; *Minutes*, 1804, pp. 314–317.]

8. On the Sabbath.

[NOTE.—See *Digest*, 1886, pp. 294–296; *Minutes*, 1814, pp. 569, 570.]

9. On Christian activity.

[NOTE.—See *Digest*, 1886, pp. 296–300; *Minutes*, 1817, pp. 661–664.]

10. On prevalent vices and immoralities.

[NOTE.—See *Digest*, 1886, pp. 300–302; *Minutes*, 1818, pp. 689, 690.]

11. On revivals and their abuses.

[NOTE.—See *Digest*, 1886, pp. 302–306; *Minutes*, 1832, pp. 377–380.]

12. On the maintenance of doctrinal purity.

[NOTE.—See *Digest*, 1886, pp. 306–313, *Minutes*, 1839, pp. 183–187, O. S.]

13. On revivals of religion.

[NOTE.—See *Digest*, 1886, pp. 313–320; *Minutes*, 1849, pp. 424–429, O. S.]

14. On repairing the wastes of the war.

[NOTE.—See *Digest*, 1886, pp. 320–322; *Minutes*, 1865, pp. 600–602, O. S.]

15. On the observance of the Sabbath.

[NOTE.—See *Digest*, 1886, pp. 322–325; *Minutes*, 1867, pp. 385–387, O. S.]

16. On the Civil War.

[NOTE.—See *Minutes*, 1866, pp. 82–90, O. S.]

[NOTE.—For the pastoral and circular letters of the Assembly of 1837, see Baird's *Digest*, 1858, pp. 760–763; *Minutes*, 1837, pp. 499–502. For the pastoral of 1838, O. S., see Baird's *Digest*, pp. 780–784; *Minutes*, pp. 48–51, O. S. For the pastoral of 1838, N. S., see Moore's new *Digest*, 1861, pp. 522–526; *Minutes*, 1838, pp. 663–667, N. S.]

17. Report on the perils which beset the system of popular education.

The Committee on the Perils which Beset the System of Popular Education presented their report, which, having been read and considered, was adopted, and is as follows:

The Committee appointed to consider the perils which beset the system of popular education in this country, and to prepare a minute expressive of the sentiment of the General Assembly on this momentous question, beg leave to report:

The public school in the United States is a most precious heirloom of American liberty. Planted in the early colonial days, it has grown and expanded into one of the most beneficent and fruitful institutions of the country. Its history is interwoven with that of the nation. No other agency, if we except the Church of God, has had so large a share in laying the foundations of popular intelligence, virtue and freedom in the United States. In hardly any other institution is the characteristic

American idea so happily and fully realized. It cannot be endangered, therefore, without peril to the vital interests of American society.

In this view the recent assaults upon it are fitted to arrest the attention of every Christian patriot and philanthropist. These assaults resemble skirmishes which precede and are intended to draw on a great battle. But the motives and ultimate aim of those who have made them are very different; they have joined hands merely to gain a temporary advantage. One party hold that the public school should be purged of every vestige of religion, that inasmuch as all the people are taxed for its support there should be recognized in it no form of Christian instruction or influence to which any of the tax-payers profess conscientious objections. This is the position maintained by the advocates of a total divorce of popular education from the Christian life and morals of the nation. The other party regard such a theory of popular education as false and unchristian; they hold that there should be careful instruction in religious truth and duty under the direction of the Church; and inasmuch as this is not possible in the common school, they advocate for themselves the sectarian school, and demand their share of the public school fund to enable them to sustain it.

The importance of the question thus raised cannot be easily overestimated. The question of popular education, indeed, both at home and abroad, is one of the great problems of the age. Its decision among ourselves involves consequences of vast moment to the American people. Shall the old system be revolutionized, and every form of Christian instruction or influence in the public school be prohibited? Or shall the institution itself be given up, and sectarian schools take its place?

We should regard the successful attempt to expel all religious instruction and influence from our public schools as an evil of the first magnitude. Nor do we see how, according to the principles upon which it is advocated, this can be done, without inflicting a deadly wound upon the intellectual and moral life of the nation. It is contended that the rights of the individual conscience, as also the just limits of political power under our constitution of government, are violated by the existing system. But scarcely more, we reply, than they are violated by the very genius and organization of American society; no more than they are violated by all public acknowledgment of God and His providential government, by oaths of office, by the recognition of the Lord's day, by chaplaincies in the army and navy, or by laws against polygamy, blasphemy, perjury and other forms of open immorality and crime; no more, in a word, than they are violated by the fundamental ideas and order of our Christian civilization. We look upon the State as an ordinance of God, and not a mere creature of the popular will, and under its high responsibility to the Supreme Ruler of the world, we hold it to be both its right and bounden duty to educate its children in those elementary principles of knowledge and virtue which are essential to its own security and well-being. The union of Church and State is indeed against our American theory and constitutions of government, but the most intimate union of the State with the saving and conservative forces of Christianity is one of the oldest customs of the country, and has always ranked as a vital article of our political faith. What impressive illustrations of this occur along the whole line of our history, and especially during our late national struggle! We cannot, therefore, help regarding the notion of an absolute secularization of the public school, so that no Christian

element shall remain in it, as un-American, wrong and impracticable. We do not see how it can be done without a complete revision of the literature and very dictionary of the language, without reducing the education of the future citizens of the republic to the most meagre and pitiable skeleton of knowledge, without training up the children of the people in ignorance of some of the most interesting and glorious incidents and characters of their own history. Nor do we see how it can be done without sooner or later stamping downright atheism, not only upon the public school, but upon every other institution of the State, and upon the whole action of government itself. The American people, we cannot doubt, are utterly opposed to so baleful a dogma. It is contrary to their history, to their practice from the beginning and to their deepest convictions.

But while they can never consent, as we believe, to expel all recognition of God and His truth from the public school, neither can they consent, on the other hand, to let a portion of the public schools pass under the control of any particular denomination, and thus become the instruments of sectarian instruction and influence. It is a matter of the utmost importance that the children of the people should be educated together, under the same roof, in the same atmosphere of American thought and feeling, and in those common elements of knowledge, virtue, fraternal symphy, humanity and patriotism which go to form a good and loyal citizen of our great republic.

We sincerely trust, therefore, that our Roman Catholic fellow-citizens, who agree with us on the importance of the moral and religious element in popular education, will continue to coöperate with us in sustaining our American common-school system, and in infusing into it as far as possible those universal and benign principles—such as love to God and love to our neighbor—which lie at the foundation of human duty and are essential to the right training of the youthful mind. On this patriotic and catholic platform we should hope that a very large majority of those even who dissent entirely from our theological views, and belong, indeed, to no branch of the Christian Church, would be willing to stand with us. We cannot think that there are many of our countrymen who would seriously object to having their children trained up in the public school under the influence of these ancestral and truly democratic principles. The number of such in the past has been exceedingly small, and we cherish the confident hope that it will be so in the future. We believe that the roots of our human and Christian nationality lie deep in the heart of the American people.

In accordance with the foregoing views, your Committee submit the following resolutions:

Resolved, 1. That the General Assembly regard the free public school as an essential part of our republican system as conducive in the highest degree to the moral unity, common spirit and kindly sympathies of American citizenship, and as closely connected with all the best interests of Christian society in the United States.

Resolved, 2. That in the judgment of the General Assembly the divorce of popular education from all religious elements, while involving a radical departure from the spirit and principles in which our public school had its origin, would be eminently unwise, unjust and a moral calamity to the nation.

Resolved, 3. That the General Assembly are also entirely opposed to

the appropriation of any portion of the public school funds for the support of sectarian institutions, and would regard the establishment of such a policy as fraught with the greatest mischief not only to the cause of popular education, but hardly less to the interests of American freedom, unity and progress.

Resolved, 4. That whereas the Bible is not only the Magna Charta of the spiritual rights and liberties of mankind, but is also preëminently our national book, the best model of our mother tongue and the fountain of our highest thought and of our ruling ideas, both in private and public life, the General Assembly would regard its expulsion from the schools of the people as a deplorable and suicidal act, nor can they perceive that any real advantage could thereby be gained to the cause of popular education.

Resolved, 5. That the General Assembly, conscious of being actuated in this matter by no other motive than the greatest good of the whole country, hereby profess their readiness to coöperate with all Christian people, of whatever name, and with all good citizens, in so modifying and perfecting our noble public school system as to obviate, as far as practicable, the conscientious scruples and difficulties of any of its friends, and thus to render it a fountain of still greater light and benediction to us and our children after us to the latest generation.—1870, pp. 49–52.

18. Testimony against the support of Roman Catholic and other denominational institutions by public funds.

The following minute was adopted:

Whereas, Legislatures of different States of this Union have been in the habit, at the instance of members of the Roman Catholic Church, of appropriating public money, collected by taxation from citizens, members of other Churches, to various institutions in connection with said Church, all of which are as really devoted to the propagation and advancement of that religion as their schools and colleges and churches can be; and

Whereas, Such appropriations so made are, more or less, the State compelling members of other denominations against their will and against their consciences to support and build up that Church and its institutions, in violation of the fundamental principles and the constitutional rights which the people of this nation have always held most sacred; and

Whereas, Such appropriations are really a union of Church and State, in which the people and members of all Protestant Churches are compelled by such action to support a religion against which they protest, the same is not only unfair, unjust, but oppressive to the consciences of the whole Protestant community, and a trampling upon their rights and liberty; therefore

Resolved, 1. That this Assembly unites with the other Protestant denominations, and all citizens feeling themselves thus aggrieved by this action, and protest against it as an act of civil and religious oppression.

Resolved, 2. That we call the attention of all our ministers, church officers and members, and all friends of civil and religious liberty throughout the whole nation, to lift up their voices and use their influence in preserving to all our people and to generations to come those glorious privileges and principles which our fathers secured to us at such great cost.

Resolved, 3. That no principle has been better established in regard to this nation than the entire separation of the Church and the State, and

that the State has no more right to compel by taxation one of its citizens to contribute money to the building up and advancing of the Roman Catholic or any other denomination than it has to compel us to unite with their Church; and that moneys or grants should not be appropriated to any denominational institution, or any institution of any kind which is not connected with and under the control of the State.

Resolved, 4. That at this time it behooves all our people to be watchful on this subject, when the declared policy and principle of the Roman Catholic Church is, that a separation of Church and State is under its curse, and it is laboring to secure a union to advance its power.—1878, p. 55.

19. Protest against appropriation of public funds for ecclesiastical uses.

a. The Committee has received a copy of a bill now pending in Congress, which involves large appropriations of public funds for religious institutions. They recommend that this Assembly hereby heartily reaffirms the action of the Assembly of 1892 (*Minutes*, p. 46) and of the Assembly of 1893 (*Minutes*, p. 115).

They furthermore recommend, that believing the gift of public moneys for the support of religious institutions is not only fatally prejudicial to the national welfare, but is also in conflict with the First Amendment to our National Constitution, and in view of the enormous and portentous grants of financial aid which are persistently bestowed by the Government upon the Romish Church, this Assembly does hereby protest most earnestly against any donation of National, State or municipal funds for ecclesiastical uses, by whomsoever sought, or upon whatsoever pretext.—1894, p. 166.

b. Overture from the Presbyterian Mission in India asking for an interpretation of the above deliverance, and putting the following questions:

"1. Is this declaration intended to discourage the acceptance of such funds for like objects on the foreign mission fields of our Church as well as in the United States of America?

"2. Does it discourage the acceptance of land or of buildings to be used in mission work?"

Your Committee recommend the following answer:

The deliverance of the General Assembly of 1894 to which reference is made was designed to apply to conditions existing in the United States of America, and was in no wise intended to discourage the acceptance of gifts of any kind to mission work in foreign lands. Adopted.—1896, pp. 118, 119.

VI. POWER OF THE ASSEMBLY OVER ITS MEMBERS.

1. To exclude from the rights of membership pending process.

a. That as citation on the foregoing plan is the commencement of a process involving the right of membership in the Assembly, therefore

Resolved, That agreeably to a principle laid down, Chap. v, Sec. ix, of the Book of Discipline (old), the members of said judicatories be excluded from a seat in the next Assembly until their case shall be decided. Adopted by yeas 128, nays 122.—1837, p. 425.

b. The Assembly of 1866, O. S., excluded the commissioners from Louisville Presbytery from a seat until the Assembly should decide upon the conduct of their Presbytery.—1866, p. 12, O. S.

[NOTE.—See also Book of Discipline, Chap. vi, Sec. xxxix.]

2. To expel a commissioner from membership.

Mr. Galloway rose to a question of privilege, and read an article from the *Ohio Statesman*, reflecting severely upon his character and that of the General Assembly, which article he attributed to the Rev. W. M. Ferguson, a member of this house.

Dr. Krebs offered the following:

Resolved, That unless the Rev. William M. Ferguson forthwith retract the offensive publication, and make an ample apology to the satisfaction of this house, he be immediately expelled.

The Moderator having waited a suitable length of time for an explanation or retraction, and Mr. Ferguson having declined to speak, the Moderator took the vote, and the resolution was adopted, when the Moderator declared Mr. Ferguson to be expelled from the Assembly.

Mr. Ferguson having declared that he had not understood that an explanation at that time was demanded, the vote was, on motion of Dr. Krebs, reconsidered, in order to renew to Mr. Ferguson the opportunity he had failed to use before the resolution to expel him was adopted. Mr. Ferguson then rose and explained, after which Mr. McKnight offered the following as an amendment to the motion of Dr. Krebs:

Resolved, That the Rev. William M. Ferguson, a commissioner to this General Assembly, because of a gross, abusive and scandalous libel, published in the *Ohio Statesman*, on members of this body, which he has now qualified in the presence of this Assembly, is entitled to and does hereby receive the grave censure of this Assembly.

Various resolutions to substitute, to amend and to commit were proposed, which were all laid upon the table in order that by general consent Dr. Krebs might offer the following resolution, viz.:

Resolved, That whereas the Rev. W. M. Ferguson, a commissioner to this General Assembly from the Presbytery of Zanesville, is, by his own acknowledgment, guilty of writing and publishing in the *Ohio Statesman* a gross, abusive, scandalous and slanderous libel against the members of this Assembly, and against this Assembly itself, and although he has qualified it in the presence of this Assembly this morning, his explanation is not deemed satisfactory; therefore,

Resolved, That the Rev. William M. Ferguson be forthwith expelled as a member of this house.

On these resolutions the previous question was called for, and the call was sustained. The main question was then put, and the resolutions were adopted, when the Moderator again announced that the Rev. W. M. Ferguson, a commissioner from the Presbytery of Zanesville, had been expelled from membership in this General Assembly.—1866, p. 58, O. S.

VII. OF ERECTING NEW SYNODS, CHANGING THEIR BOUNDARIES, DISSOLVING THEM, TRANSFERRING PRESBYTERIES AND CHURCHES.

[NOTE.—See under Form of Government, Chap. xi, *supra:* Moore's *Digest*, 1886; *Minutes, passim*, especially 1870, pp. 86-88; *Digest*, pp. 182-187, when the Assembly exercised its power to consolidate, adjust and define the boundaries of the Synods; and again, in 1881, *Minutes*, pp. 562-565, *Digest*, pp. 503-506, when the Assembly consolidated the existing Synods, bounding them as far as possible by State lines.

For changes in the boundaries of Synods see also Chap. xi, Form of Government, *Digest*, 1886, pp. 187, 188, and the acts constituting new Synods since the consolidation of 1881.]

1. To dissolve a Synod and transfer its Presbyteries.

a. [The Synod of Chesapeake was formed on petition.—1833, p. 395.]

Resolved, 1. That the Synod of the Chesapeake be and the same is hereby dissolved.

2. That the Presbytery of East Hanover be and the same is hereby restored to the Synod of Virginia.

3. That the Presbyteries of Baltimore and of the District of Columbia be and the same are hereby restored to the Synod of Philadelphia.—1834, p. 451.

c. The Synod of Delaware [Erected.—1834, p. 451.] dissolved.

Resolved, That at and after the meeting of the Synod of Philadelphia in October next the Synod of Delaware shall be dissolved, and the Presbyteries constituting the same shall be then and thereafter annexed to the Synod of Philadelphia, and that the Synod of Philadelphia thus constituted by the union aforesaid shall take such order concerning the organization of its several Presbyteries as may be deemed expedient and constitutional, and that said Synod, if it shall deem it desirable, make application to the next General Assembly for such a division of the Synod as may best suit the convenience of all its Presbyteries and promote the glory of God.—1835, p. 486.

[NOTE.—For Synods erected since 1882, see under Chap. xi, Sec. i; also changes of boundaries, 1883, p. 630; 1884, p. 74; 1885, p. 605; 1889, p. 102; 1890, p. 37; 1893, p. 131; 1895, p. 79.]

VIII. OF ERECTING AND DISSOLVING PRESBYTERIES.

1. Cases before 1870.

a. See the act of the General Synod (*Minutes*, 1786, p. 522). It assumed jurisdiction over the whole matter of dividing, erecting, etc. The Presbytery of Carlisle was divided, and the Presbytery of Huntingdon formed on "an overture through the Synod of Philadelphia."—1794, p. 89.

b. On petition of the Presbytery of Albany, that Presbytery was divided, and the Presbyteries of Columbia, Oneida and Albany formed. At the same time the following was adopted, viz.:

Whereas, The Assembly have this day determined, upon an application from the Presbytery of Albany, that the said Presbytery may be divided into three, and in the investigation of this subject circumstances were stated to exist which led the Assembly to judge such division proper, and perhaps necessary, at this time; and

Whereas, Doubts arose whether it was proper for the Assembly to interfere for the purpose of making such division, the proposal not having been first laid before the Synod, as it would establish a precedent which might tend to confusion and in the end to schism; the Assembly think it expedient to declare that their decision in this case has been particularly influenced by the pressure of circumstances, and is not to be considered as forming a precedent for future conduct.—1802, p. 252.

c. On petition of the Presbytery of Oneida it was divided, and the Presbytery of Geneva formed.—1805, p. 324. On application of certain ministers and churches in the Territory of Michigan, the Presbytery of Detroit was formed.—1827, p. 206. Chenango.—1826, p. 176.

d. Philadelphia Second (Assembly's). The Synod of Philadelphia, having merged the two Presbyteries of Philadelphia, and divided them by a line, an appeal was taken.

Resolved, 1. That the appeal and complaint of the Second Presbytery of Philadelphia against the Synod of Philadelphia, be and the same are hereby sustained, and the act of said Synod, so far as it was intended to

unite the said Second Presbytery with the Presbytery of Philadelphia, is hereby declared void.

2. That this resolution shall not be so construed as to affect the integrity of the Presbytery which was constituted under the order of the Synod of Philadelphia by the name of the Second Presbytery of Philadelphia in November last, but the same is hereby recognized as a constituent part of the Synod of Philadelphia. The Assembly, however, recommend to the Synod to change the name of said Presbytery.—1834, p. 432.

[Against the action of the Assembly a protest was entered, viz.:]

We believe the power exercised by the General Assembly of 1832, and now reëxercised by this Assembly, to form a Presbytery within the bounds of the Synod and against her decision, is without foundation in our Form of Church Government.

In the constitutional distribution of powers and checks and designation of rights and duties among the several judicatories of the Church, the power to "erect new Presbyteries, and unite or divide those which were before erected" (Form of Government, Chap. xi, Sec. iv), is distinctly and exclusively secured to Synods. And the practice of the General Assembly, from the establishment of this body till the present, has been, we believe, in accordance with these views. The principle assumed by the majority in this body and recognized by the Assembly in the above decision, and on which the appellants rest their plea, that the duty "of superintending the concerns of the whole Church" (Form of Government, Chap. xii, Sec. v) invests the Assembly with all powers necessary to accomplish that object, at her own discretion, tends to abolish the constitutional rights of Synods, Presbyteries and church Sessions, to confound and contravene those original and essential principles of ecclesiastical government and order which constitute and characterize the Presbyterian Church.—1834, p. 446.

[To this the Assembly replies:]

1. That the Form of Government vests in the General Assembly the power of "deciding in all controversies respecting doctrine and discipline," and to "issue all appeals and references brought before them from the inferior judicatories" (see Form of Government, Chap. xii, Sec. v). Now, as the question as to the erection and existence of the Second Presbytery of Philadelphia came regularly before the Assemblies of 1832 and 1834, by appeal and complaint from the lower judicatories, the said Assemblies not only had a right to "decide" finally, but were imperiously called upon to "issue" the case.

2. The minutes of the General Assembly for 1794, 1802, 1805 and 1826 show that the Assembly has in extraordinary cases claimed and exercised the right of organizing new Presbyteries, and such Presbyteries have always been regarded as regularly and constitutionally organized.

3. The Form of Government vests the right of deciding questions of constitutional law, not in the Synods, but in the General Assembly; consequently, if it be proved, which is not the fact, that the General Assembly has exceeded their powers in organizing the Second Presbytery of Philadelphia, it would by no means follow that the Synod of Philadelphia had authority to rejudge and disannul the solemn acts of the highest judicatory of the Church. In this view of the subject, the General Assembly were bound to sustain the appeal and complaint of the Second Presbytery, from respect to the grave decision of former Assemblies, as well as from regard to the rights of the complainants.—1834, p. 451.

e. The Third Presbytery of Philadelphia.—1836, p. 278.

f. The Presbytery of Luzerne was formed by the Assembly.—1843, p. 195, O. S.

g. The Presbytery of Wisconsin.—1846, p. 194, O. S. In this case the Assembly directed "that upon their organization the ministers aforesaid be *ipso facto* detached from the Presbyteries to which now they respectively belong."

h. The Presbytery of Ningpo. *Resolved*, That the Rev. Messrs. M. S. Culbertson, of the Presbytery of Carlisle; A. W. Loomis, of the Presbytery of Albany; R. Q. Way, of the Presbytery of Charleston, and J. W. Quarterman, of the Presbytery of Georgia, be and they hereby are detached from their respective Presbyteries and constituted a Presbytery, to be called the Presbytery of Ningpo.—1848, p. 20, O. S.

That the Rev. A. P. Happer and William Speer, of the Presbytery of Ohio, and the Rev. John B. French, of the Presbytery of Baltimore, be and they hereby are detached from their respective Presbyteries and constituted a Presbytery to be called by such name as those brethren may choose.

The Presbytery of Amoy. And that the Rev. John Lloyd, of the Presbytery of Huntingdon, and Hugh S. Brown, of the Presbytery of Logansport, so soon as a third minister of our Church shall be associated with them, be authorized to form themselves into a Presbytery, to be called the Presbytery of Amoy, and shall *ipso facto* be detached from the respective Presbyteries with which until then they shall be connected.—1848, p. 20, O. S.

Resolved, That the foregoing new Presbyteries shall meet for the purpose of being organized at such times and places as the members thereof shall respectively agree on, and that the eldest minister of each who may be present shall preside until a Moderator be chosen.

Resolved, That the aforesaid Presbyteries be rated for the present as component parts of the Synod of New York, but that as soon as the Presbytery of Amoy shall be organized, the three Presbyteries in China shall be authorized to form themselves into a Synod, to be called the Synod of China; that they meet for the purpose of being organized at such time and place as they shall mutually agree upon, and that the eldest minister who may be present shall preside until a Moderator be chosen.

i. Presbytery of Western Africa. *Resolved*, That the Rev. James M. Connelly, of the Presbytery of West Tennessee; James M. Priest, of the Presbytery of New York, and the Rev. H. W. Ellis, of the Presbytery of Tuscaloosa, be and they hereby are detached from their respective Presbyteries and constituted a Presbytery, to be called the Presbytery of Western Africa; that they shall meet for the purpose of being organized at such time and place as they shall mutually agree upon, and that the eldest minister present shall preside until a Moderator be chosen. And further, that the Presbytery of Western Africa shall be attached for the present to the Synod of Alabama.—1848, pp. 20, 21, O. S.

j. Presbytery of the Creek Nation. *Resolved*, That the Rev. R. M. Loughridge, of the Presbytery of Tuscaloosa; H. Ballentine, of the Presbytery of New Brunswick, and D. W. Eakins, of the Presbytery of Philadelphia, be and they hereby are detached from their respective Presbyteries and constituted a Presbytery, to be called the Presbytery of the Creek Nation; that they shall meet for the purpose of being organized at such time and place as they shall mutually agree upon, and that the

eldest minister present shall preside until a Moderator be chosen. And further, that the Presbytery of the Creek Nation be attached for the present to the Synod of Mississippi.—1848, pp. 20, 21, O. S.

k. Presbytery of California.—1849, p. 264, O. S. Presbytery of San Francisco.—1849, p. 176, N. S. The persons named are hereby detached from their respective Presbyteries and constituted a Presbytery.

Presbytery of Oregon. *Resolved*, That the Assembly do hereby order and constitute a Presbytery in Oregon, consisting of Messrs. Thompson, Geary and Robe; and that they be empowered to assemble and constitute themselves a Presbytery at such time and place during the ensuing summer or autumn as may be found most convenient to them, and report to the next General Assembly, and for this purpose these brethren be detached from the Presbytery to which they belong, and when formed, the said Presbytery be attached to the Synod of New York; and the Presbytery to be called the Presbytery of Oregon.—1851, p. 35, O. S.

l. Presbyteries of Sierra Nevada and San José.—1857, p. 383, N. S., and *passim*.

[Note.—See also the changes, consolidations and transfers of Presbyteries brought about by the consolidation of the Synods in 1870.—Moore's *Digest*, 1886, pp. 182–187. Also, in 1881, *Digest*, pp. 503–505.]

2. Presbyteries formed or recognized by the Assembly since the reunion of 1870.

The Presbytery of Yedo, 1870, p. 71; Wyoming, 1871, p. 546; Montana, 1872, p. 88; Oregon (reconstructed), 1876, p. 75; Puget Sound, 1876, p. 75; South Oregon, 1876, p. 75; Denver, 1880, p. 55; Alaska, 1883, p. 631; Chile, 1884, p. 23; Zacatecas, 1884, p. 78; Pembina, 1885, p. 605; Northern Pacific, 1885, p. 605; Bismarck, 1885, p. 605; Southern Virginia, 1888, p. 114; Butte, 1893, p. 131; Helena, 1893, p. 131; Great Falls, 1893, p. 131; Oklahoma, 1894, p. 177; Sequoyah, 1894, p. 177; Cimarron, 1894, p. 177; Chinan, 1896, p. 146.

3. Presbyteries dissolved.

Japan, 1880, p. 82; New Orleans, 1880, p. 83. Not having for several years the constitutional number of ministers.

IX. TO TRANSFER CHURCHES FROM ONE PRESBYTERY AND SYNOD TO ANOTHER.

a. A petition from the congregation of Solesbury, under the care of the Presbytery of Philadelphia, referred to the Assembly by said Presbytery, was overtured and read. This petition requested that the congregation of Solesbury be separated from the Presbytery of Philadelphia and attached to the Presbytery of New Brunswick. This request having previously been before the Synod of Philadelphia, and having been referred to the Presbytery by the Synod, and the Presbytery having given their consent, it was resolved that the request be granted, and it hereby is granted, and the congregation of Solesbury is detached from the Presbytery of Philadelphia, and connected with the Presbytery of New Brunswick.—1824, p. 105.

[Note.—See also 1827, pp. 201, 202, 205; 1829, p. 260; 1831, p. 354; 1868, p. 633, O. S., *et passim*. See also under Chap. xi, Sec. i, 4, for changes since the Reunion.—1871, pp. 540, 541, 545, 546; 1872, pp. 86, 88; 1873, p. 525; 1888, p. 71; 1889, p. 77; 1891, p. 186.]

b. Overture from the Presbytery of Erie, and from the Session of the churches of Bradford and Kendall Creek, requesting that the said

churches of Bradford and Kendall Creek, with their pastors, be transferred from the Presbytery of Buffalo to the Presbytery of Erie—the Synod of New York and the Presbytery of Buffalo concurring

We recommend that the request be granted, and the proposed transfer of the churches and ministers therein named be and is hereby directed. Adopted.—1887, p. 81.

c. The churches of Oakes and Hudson, from the Presbytery of Aberdeen, to the Presbytery of Fargo, Synod of North Dakota.—1888, p. 71.

d. Certain territory transferred from the Presbytery of Catawba and Synod of Catawba, to the Presbytery of Holston, Synod of Tennessee. —1889, p. 77.

e. Overture, a petition of churches in Douglas county, Wisconsin, asking to be transferred from the Presbytery of Duluth, Synod of Minnesota, and reinstated in the Presbytery of Chippewa, Synod of Wisconsin. The Committee recommends that the request be granted. Adopted. —1891, p. 186.

f. Overture with reference to change of boundary line between Synods of Utah and Colorado; also overtures with reference to the same subject. The Committee recommends that, all the petitioners agreeing, these overtures be answered in the affirmative. Adopted.—1891, p. 187.

g. Overtures from Presbyteries of Lake Superior and the Synod of Michigan, with reference to the transfer of the Presbytery of Lake Superior to the Synod of Michigan. The Committee recommends that these overtures be answered in the affirmative, and the Presbytery of Lake Superior be and hereby is transferred to the Synod of Michigan. Adopted.—1891, p. 187.

h. Overtures from the Presbyteries of Baltimore and Westminster, and the Synods of Baltimore and Pennsylvania, requesting a change in the boundary line between the Synods of Baltimore and Pennsylvania. This is a case where a church in Pennsylvania, connected with the Presbytery of Westminster, in erecting a new church building, located the same in the State of Maryland, within the bounds of the Synod of Baltimore. They desire, however, to retain their ecclesiastical connection with the Presbytery of Westminster, and with the Synod of Pennsylvania. To this, all the parties in interest are agreed, and all unite in requesting the General Assembly to authorize the same. *Answer:* The General Assembly, without enacting any change in existing boundary lines, directs that the Slate Ridge Church, while occupying its present site, shall continue to be connected with the Presbytery of Westminster, and with the Synod of Pennsylvania.—1894, p. 141.

X. TO TRANSFER MINISTERS FROM ONE PRESBYTERY TO ANOTHER, OR TO A NEW ONE.

a. There being no quorum of Presbytery.—1858, pp. 268, 280, O. S.

b. In forming new Presbyteries or Synods, see above. Also the Enabling Act of 1870, Chap. xi, Sec. ii.—1872, p. 94.

[NOTE.—See also a, under Division viii, p. 303.]

XI. TO RECEIVE OTHER ECCLESIASTICAL BODIES.

a. The Presbytery of Suffolk.—1749, p. 238. Of Dutchess County. —1763, p. 330. See Baird's Revised Edition, p. 562.

b. The Presbytery of Charleston.

Resolved, That the prayer of the petition be granted, and that said Presbytery, retaining their name and their charter of incorporation,

be and they hereby are taken into connection with the General Assembly; *Provided, however*, That the members of said Presbytery shall have adopted the Confession of Faith and the Constitution of the Presbyterian Church in the United States of America, and shall also effect a compromise or union with the Presbytery of Harmony, which transaction shall be subject to the review and control of the Synod of the Carolinas.—1811, p. 475.

c. The Associate Reformed Synod.—1822, pp. 39–42. See Baird, pp. 565–569.

d. Presbytery of Pittsburgh of the Reformed Presbyterian Church.

The same Committee also reported an application from the Presbytery of Pittsburgh, of the Reformed Presbyterian Church, to unite as a Presbytery with the General Assembly of the Presbyterian Church, and to become subject to the jurisdiction of this body, on the simple condition of being allowed to remain, as they are still attached to the great principles of the Reformation, without being disturbed in their time-honored modes of worship and economical usages generally.

On the recommendation of the Committee the request was granted.

The Committee also recommended that the Presbytery of Pittsburgh be attached to the Synod of Allegheny, and that Rev. John McMillan be enrolled as a member of this General Assembly as a delegate from that Presbytery.

Which was adopted.—1870, p. 30.

XII. TO DEFINE THE SUCCESSION OF PRESBYTERIES.

Overture No. 7, from the Presbytery of Chester, respecting the succession to the late Presbytery of New Castle: The Committee report that the Synod of Philadelphia, in its reconstruction of Presbyteries, declared that the Presbytery of Chester was the legal successor of the late Presbytery of New Castle, and that the Synod of Baltimore also declared that its present Presbytery of New Castle was the legal successor of the old organization. It appears, however, that the ministers and churches of the old Presbytery are equally divided between the present Presbyteries of New Castle and Chester, and so neither is entitled to the succession. The Committee think that as the present Presbytery of New Castle has the name of the late organization, the town where the first organization was made, the chief part of the original territory, early history and associations and a valuable charter from the State of Delaware, under which some property is now held, it should also have the succession, and the following resolution is, therefore, recommended:

Resolved, That the Presbytery of New Castle, in the Synod of Baltimore, be and the same is hereby declared to be the legal successor of the late Presbytery of New Castle, and as such is entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties of that Presbytery.

It is also recommended that the candidates and licentiates who were under the care of the former Presbytery of New Castle, at the date of the Reconstruction Act of 1870, but who resided in the territory embraced in the present Presbytery of Chester, be attached to the latter Presbytery.—1871, p. 539.

[NOTE.—See also under the Reconstruction Act of 1870, *Minutes*, pp. 91–97; Moore's *Digest*, 1886, pp. 182 187; and under the act of reorganization, 1881, *Minutes*, pp. 562–565; *Digest*, 1886, pp. 502–505.]

XIII. TO CORRESPOND WITH FOREIGN CHURCHES.

I. CHURCHES IN GENERAL.

It belongs to the Assembly "to correspond with foreign Churches" (Form of Government, Chap. xii, Sec. v).—1827, p. 219; 1866, p. 80, O. S.

1. Bodies with which the Assembly is at present in correspondence.

1. General Assembly of the Free Church of Scotland.
2. General Assembly of the Church of Scotland.
3. General Assembly of the Presbyterian Church in Ireland.
4. Synod of the United Presbyterian Church of Great Britain and Ireland.
5. General Assembly of the Canada Presbyterian Church.
6. Synod of the Presbyterian Church in Canada in connection with the Church of Scotland.
7. General Synod of the Reformed Church in America.
8. General Assembly of the United Presbyterian Church in North America.
9. General Synod of the Evangelical Lutheran Church of the United States.
10. General Synod of the Reformed Church in the U. S.
11. General Assembly of the Cumberland Presbyterian Church.
12. General Assembly of the Welsh Presbyterian Church in America.
13. General Synod of the Reformed Church of France.
14. National Council of the Congregational Churches in the United States of America.
15. Synod of the Waldensian Church.—1873, p. 537.
16. Synod of the Reformed Presbyterian Church.
17. General Synod of the Reformed Presbyterian Church.
18. Associate Reformed Synod of the South.
19. General Assembly of the Presbyterian Church in the U. S.
20. All the Churches, wherever located, which, in addition to the above-named, are in the Alliance of the Reformed Churches throughout the world, holding the Presbyterian System.

[NOTE.—Delegates are not now sent to Churches which are in the Presbyterian Alliance. See this *Digest*, p. 310.]

2. Churches in Great Britain and Ireland.

(1) Report on foreign correspondence.

The Committee on Foreign Correspondence reported in part as follows:

The Committee on Foreign Correspondence respectfully recommend to the Assembly that the Rev. William Arnot and the Rev. William G. Blaikie, D.D., from the General Assembly of the Free Church of Scotland; the Rev. Robert Watts, D.D., and Mr. Thomas Sinclair, from the General Assembly of the Presbyterian Church in Ireland; the Rev. John Edmond, D.D., and the Rev. John McLeod, D.D., from the Synod of the United Presbyterian Church of Great Britain and Ireland, and the Rev. David Inglis, and the Rev. Thomas Lowry, from the Synod of the Canada Presbyterian Church, be admitted to seats in this Assembly as delegates from the several ecclesiastical bodies they represent, and that they be heard in the order above named at a session of the Assembly to be held for that purpose on Wednesday next, at 7.30 o'clock P.M.

The Committee further recommend the adoption of the following resolution:

Resolved, That this Assembly cordially receives the delegates from the Synod of the United Presbyterian Church of Great Britain and Ireland —a body not hitherto in correspondence with either branch of our reunited Church—and that the Committee on Correspondence be directed to nominate delegates who shall present our greetings to that Synod at its meeting next year.—1870, pp. 17, 18.

[NOTE.—See next Section, entitled "The Presbyterian Alliance."]

3. The Presbyterian Alliance.

The delegates to the General Council of the "Alliance of the Reformed Churches throughout the world holding the Presbyterian System," held in London in 1875, presented their report, which was approved, and is as follows:

(1) Report of the delegates to the London Conference of 1875.

The undersigned were appointed by the General Assembly of 1875 (see *Minutes*, p. 528) as a delegation to the General Council of Presbyterians which was to meet in London on the 21st of July of that year. They were also vested with power to substitute, or add to their membership, other ministers or laymen from the Presbyterian Church, to take part with them in the deliberations of the proposed Conference. Under this provision the following brethren, some of whom had been conspicuous from the beginning in furthering the object contemplated in this appointment, were invited to share with the original delegation in representing our Church in this General Council: Rev. James McCosh, D.D., Rev. Philip Schaff, D.D., Rev. Alexander M. Reid, Ph.D., Rev. Albert T. Chester, D.D., Rev. W. Wallace Atterbury, Rev. Elijah R. Craven, D.D., Rev. William H. Hornblower, D.D., John Wanamaker, Esq., John S. Kennedy, Esq., Rev. George D. Mathews, Rev. Alexander Reed, D.D., Rev. Thomas H. Robinson, D.D., Rev. Robert M. Patterson, Rev. Roswell D. Hitchcock, D.D., Rev. John Hall, D.D., William E. Dodge, Jr., Hon. Stanley Matthews.

Five of these brethren, together with two of the original Committee —Drs. Crosby and Hatfield—were prevented, by various causes, from attending the sessions of the Conference.

The remaining twelve were present, together with two members of the Committee—Rev. Samuel J. Wilson, D.D., LL.D., and Prof. Edward D. Morris.

The Council was held in the city of London on the 21st, 22d and 23d of July. Sixty-four delegates, representing twenty-two Presbyterian organizations in various parts of the world, were present during the sessions. Rev. Dr. McCosh, of our delegation, presided. The deliberations were characterized by a spirit of brotherly love and by a strong desire to establish closer relations between all Presbyterian bodies throughout the world. A copy of the minutes, containing a full record of the proceedings, is herewith submitted as a part of this report.

The chief business of the Conference was the preparation of a form of constitution which provides for a permanent "Presbyterian Alliance to meet in General Council from time to time in order to confer upon matters of common interest." It is for this General Assembly to determine whether our branch of the Presbyterian Church shall enter into

such an Alliance, and whether the constitution proposed by the Conference (as incorporated in their minutes), shall be approved as a proper basis for such a confederation.

It was resolved that the first meeting of this Alliance should be held at Edinburgh, Scotland, on the first Tuesday of July, 1876; and it was agreed that the several bodies choosing to enter into the Alliance under the proposed constitution may be represented on that occasion in such a proportion as would entitle our Church to send forty delegates. These delegates, accordingly, are to consist, "as far as practicable," of an equal number of ministers and elders. The time of this meeting has been changed to July, 1877, yet it is important that this General Assembly should take action with respect to the delegation to be sent from our Church. We would respectfully suggest that such selection be entrusted to a Special Committee, consisting of the Moderator and the Stated and Permanent Clerks of this Assembly, together with Rev. Howard Crosby, D.D., Rev. James McCosh, D.D., and Rev. S. Irenæus Prime, D.D.

All which is respectfully submitted.

HOWARD CROSBY,
SAMUEL J. WILSON,
EDWIN F. HATFIELD,
EDWARD D. MORRIS.

(2) *The constitution of the Alliance.*

Whereas, Churches holding the Reformed faith and organized on Presbyterian principles are found, though under a variety of names, in different parts of the world: *whereas*, many of these were long wont to maintain close relations, but are at present united by no visible bond, whether of fellowship or of work; and *whereas*, in the providence of God, the time seems to have come when they may all more fully manifest their essential oneness, have closer communion with each other, and promote great causes by joint action: It is agreed to form a Presbyterian Alliance to meet in General Council from time to time, in order to confer upon matters of common interest, and to further the ends for which the Church has been constituted by her divine Lord and only King. In forming this Alliance the Presbyterian Churches do not mean to change their fraternal relations with other Churches, but will be ready, as heretofore, to join with them in Christian fellowship, and in advancing the cause of the Redeemer, on the general principle maintained and taught in the Reformed Confessions, that the Church of God on earth, though composed of many members, is one body in the communion of the Holy Ghost, of which body Christ is the Supreme Head, and the Scriptures alone are the infallible law.

Articles.

I. DESIGNATION.—This Alliance shall be known as "The Alliance of the Reformed Churches throughout the World holding the Presbyterian System."

II. MEMBERSHIP.—Any Church organized on Presbyterian principles which holds the supreme authority of the Scriptures of the Old and New Testaments in matters of faith and morals, and whose creed is in harmony with the consensus of the Reformed Confessions, shall be eligible for admission into the Alliance.

III. The Council.

1. *Its Meetings.*—The Alliance shall meet in General Council ordinarily once in three years.

2. *Its Constituency.*—The Council shall consist of delegates, being ministers and elders appointed by the Churches forming the Alliance, the number from each Church being regulated by a plan sanctioned by the Council, regard being had generally to the number of congregations in the several Churches. The delegates, as far as practicable, to consist of an equal number of ministers and elders. The Council may, on the recommendation of a Committee on Business, invite Presbyterian brethren not delegates to offer suggestions, to deliver addresses and to read papers.

3. *Its Powers.*—The Council shall have power to decide upon the application of Churches desiring to join the Alliance; it shall have power to entertain and consider topics which may be brought before it by any Church represented in the Council, or by any member of the Council, on their being transmitted in the manner hereinafter provided; but it shall not interfere with the existing creed or constitution of any Church in the Alliance, or with its internal order or external relations.

4. *Its Objects.*—The Council shall consider questions of general interest to the Presbyterian community; it shall seek the welfare of Churches, especially such as are weak or persecuted; it shall gather and disseminate information concerning the kingdom of Christ throughout the world; it shall commend the Presbyterian system as Scriptural and as combining simplicity, efficiency, and adaptation to all times and conditions; it shall also entertain all subjects directly connected with the work of evangelization, such as the relation of the Christian Church to the evangelization of the world, the distribution of mission work, the combination of Church energies, especially in reference to great cities and destitute districts, the training of ministers, the use of the press, colportage, the religious instruction of the young, the sanctification of the Sabbath, systematic beneficence, the suppression of intemperance and other prevailing vices, and the best methods of opposing infidelity and Romanism.

5. *Its Methods.*—The Council shall seek to guide and stimulate public sentiment by papers read, by addresses delivered and published, by the circulation of information respecting the allied Churches and their missions, by the exposition of Scriptural principles, and by defences of the truth; by communicating the minutes of its proceedings to the supreme courts of the Churches forming the Alliance, and by such other action as is in accordance with its constitution and objects.

6. *Committee on Business.*—The Council, at each general meeting, shall appoint a Committee on Business, through which all communications and notices of subjects proposed to be discussed shall pass. The Committee appointed at one general meeting shall act provisionally, so far as is necessary, in preparing for the following meeting.

[Note.—1881, pp. 516, 542. See 1885, pp. 704, 705.]

IV. Change of Constitution.—No change shall be made in this constitution, except on a motion made at one general meeting of Council, not objected to by a majority of the Churches, and carried by a two-thirds vote at the next general meeting.

The following resolutions were then offered, and adopted unanimously:

Resolved, 1. That our branch of the Presbyterian Church, as represented in this General Assembly, approves the constitution proposed by

the London Conference, and cordially enters into the Presbyterian Alliance on this basis.

2. That the Moderator and the Stated and Permanent Clerks of this Assembly, and Rev. Howard Crosby, D.D., Rev. James McCosh, D.D., and Rev. S. Irenæus Prime, D.D., be a Special Committee, to appoint delegates from this Church to the first meeting of the Presbyterian Alliance at Edinburgh, July, 1877.—1876, pp. 50–53.

(3) Provision for expenses of Executive Commission.

In order to act with efficiency in furthering the interests of Presbyterians scattered over the world, the Council found it necessary to appoint a Standing Commission with a Permanent Secretary. The quota of annual expense of this Commission falling to our great branch of this Church is ——, which your Committee recommend to be paid annually out of the General Assembly's Contingent Fund on and after May 15, 1886.—Adopted. 1885, p. 684.

The "Executive Commission," is divided into the Eastern and Western Sections. The General Secretary is the Rev. George D. Mathews, D.D., London, England; and the American Secretary, the Rev. W. H. Roberts, D.D., LL.D., Philadelphia, Pa.

Overture No. 200, being the annual report of the "Alliance of the Reformed Churches holding the Presbyterian System," requesting the customary annual appropriation for its expenses. The Committee being informed that the Assembly is committed to pay this amount each year, for their fifty-one delegates at $15 each, have no alternative but to recommend that this request for an appropriation of $765 be complied with, and that the Treasurer be authorized to pay the same. Adopted. —1895, p. 117; 1896, p. 69.

(4) The Assembly will not appoint delegates to Churches represented in the Alliance.

Whereas, The different branches of the Presbyterian Church throughout the world are now associated with each other in the General Presbyterian Alliance; and

Whereas, At the Councils of the Alliance delegates from all these Churches are present on a footing of perfect equality, and in the enjoyment of the most unreserved fellowship; and

Whereas, Under such circumstances there seems to be little necessity for retaining the custom of appointing delegates to visit the supreme courts of other Presbyterian Churches—a custom involving a not inconsiderable outlay of time, money and labor; therefore

Resolved, That the Assembly, with the most cordial esteem for the brethren of the other Presbyterian Churches, will in future decline to appoint any such delegates, and content themselves with the appointment of commissioners to the General Councils of the Alliance.—1879, p. 616.

a. An exception to the above action was made in favor of the Southern Presbyterian Church.—1883, p. 687.

b. *Resolved*, That the invitation of Rev. Mr. Lortsch for the Assembly to appoint a representative be approved, and that the Rev. George F. Moore, of the Presbytery of Boston, is hereby appointed to perform this service at the next meeting of the Synod of the Free Evangelical Church of France, at St. Foy la Grande (Gironde), on the 23d of September, 1885.—1885, p. 632.

(5) The basis of representation altered.

That the representation in the Council be for each 100 congregations or less, two delegates, up to 1000 congregations; above 1000 congregations, one delegate for each additional 100, up to 2000 congregations; above 2000 congregations, one delegate for each additional 250 congregations.

In the case of the union of Churches represented in the Alliance, it is recommended that the number of delegates remain as previous to union; on the union being reported to the Council, the future number of delegates shall be determined.—1889, p. 113.

[Note.—See p. 308 of the *Minutes* of the Fourth General Council.]

(6) Plan of coöperation in work on the North American Continent.

The Committee of Bills and Overtures presented, with their approval, the annual report of the Commission of the Alliance of the Reformed Churches holding the Presbyterian System, which was received, and, after an address by the President of the Alliance, the Rev. William H. Roberts, D.D., LL.D., was approved, and it was unanimously

Resolved, That the plan of coöperation in Home Missions contained in the report be cordially adopted:

"The Boards and Committees of Home Missions, Church Erection, Freedmen's Missions and Sabbath-school Work of the American Churches in 'The Alliance of the Reformed Churches holding the Presbyterian System,' both in the United States and Canada, recognizing with gratitude to God their substantial unity both in faith and polity, do agree upon the following principles of action for their guidance in their work, viz.:

"1. That in the work of all these Boards as related to each other the authority of the Church courts is to be recognized as final.

"2. That there shall be no interference with churches, missions or Sabbath-schools at present existing, unless by voluntary agreement between the denominations directly concerned.

"3. That ordinarily, no churches, missions or Sabbath-schools shall be established in small communities where the field is fully occupied by other Presbyterian or Reformed Churches.

"4. That the supreme judicatories of the several Churches recommend their Church members when moving into new communities in which there is no congregation of their own Church, to unite, for the time being, with some other Presbyterian or Reformed Church, if such there be.

"5. That if cases of difference of opinion arise in connection with the work, they shall be referred for consideration and amicable adjustment to the missionary authorities of the denominations directly concerned."—1896, pp. 66–68.

XIV. (II) CORRESPONDENCE. CHURCHES IN AMERICA.

1. Proposals for correspondence with the New England churches.

[Note.—See Moore's *Digest*, 1886, p. 266; *Minutes*, 1766, p. 364; 1767, p. 374; 1790, p. 29; 1791, p. 33.]

2. Plan of correspondence with the General Association of Connecticut.

[Note.—See *Digest*, 1886, pp. 268–270; *Minutes*, 1827, p. 213. For terms of correspondence with the various Congregational bodies, see Moore's new *Digest*, 1861, pp. 435–469, and Baird's *Digest*, pp. 506–525.]

3. The plan of union and action under it.

[NOTE.—See Moore's new *Digest*, 1861, pp. 452–469, and *Minutes*, 1801, pp. 221, 224, 225; 1835, p. 486; 1837, pp. 421, 458, 464; also Baird's *Digest*, pp. 570–581.]

4. Correspondence with the Reformed Churches.

[NOTE.—For a full history of the early relations of the Assembly with the Dutch and Associate Reformed Churches, see Baird's *Digest*, pp. 525–533. In 1820 a plan of correspondence with the General Synod of the Associate Reformed Church was adopted, *Minutes*, p. 731; *Digest*, 1886, pp. 270, 271. The Synod united with the General Assembly in 1822.

For correspondence with the Reformed Dutch Church, see *Digest*, 1886, p. 271, and *Minutes*, 1823, p. 76; 1830, p. 287.]

5. Proposal of the Reformed (Dutch) Church in America declined.

Dr. Scott, delegate from the Reformed Dutch Church, presented to the Assembly the following minute from the General Synod of that body respecting the transference of churches:

Resolved, That if the General Assembly shall concur, no church shall be transferred from the one body to the other without the formal dismissal of the Presbytery or Classis with which it shall have been connected.—1851, p. 17, O. S.

Resolved, That in the judgment of the Assembly great prudence and courtesy should be manifested by the Presbyteries in the reception of churches from the Classis of the Reformed Dutch Church, and that, where it is practicable, the consent of all parties concerned should be at least sought and, if possible, secured; but that the adoption of an absolute rule, such as is proposed by the General Synod of the Reformed Dutch Church, would probably be productive of hardships to churches and inconvenience to both denominations; and therefore, for the present at least, the Assembly very respectfully and fraternally beg leave to decline its concurrence in the adoption of said rule.—1851, p. 21, O. S.

6. Complaint against the Presbytery of North River.

On a complaint of the Reformed Dutch Church against the Presbytery of North River, the Assembly

Resolved, 1. That though the consistory of the Second Reformed Dutch Church of Kingston may have acted arbitrarily in refusing certificates to its members applying for them, to join one of our churches, this Assembly regards as irregular, and as wanting in the due exercise of Christian forbearance, the proceeding of North River Presbytery, in so hastily organizing a church composed mostly of the members whom said consistory had refused to dismiss.

2. That though the Classis of Ulster may have done wrong in withholding from the Rev. Mr. Smuller the certificate for which he applied to join the Presbytery of North River, this Assembly cannot approve of the act of said Presbytery in receiving him, regarding their act, in so doing, as deficient in the exercise of that forbearance which should obtain in the intercourse of sister Churches.

3. That the Stated Clerk express to the Dutch Church the deep regret which this Assembly feels that there should have been any cause for complaint or recrimination.—1855, p. 302, O. S.

7. Relations to the Presbyterian Church in the U. S.

(*1*) *The Presbyterian Church in the U. S. (South) recognized as an independent body.*

The Special Committee appointed to take into consideration certain matters relating to the Southern churches respectfully reports that the

following papers have been placed in its hands, and have been carefully considered, viz.:

1. An overture from the Presbytery of Zanesville, asking "that the Assembly strike from the lists of Synods, Presbyteries and churches those at the South which have ceased to report or be in connection with us, and that they be recognized as an independent body of Presbyterians, and overtures of friendly correspondence be made to them."

2. An overture from the Presbytery of St. Clairsville of like import.

3. An overture from the Presbytery of Steubenville, asking that the aforementioned Synods, Presbyteries and churches be stricken from the roll.

4. A memorial signed by certain ministers and ruling elders, asking in general terms that the General Assembly "devise such wise and conciliatory measures as may open the way for the renewal of fraternal relations with our brethren of the Southern churches."

In view of all these your Committee would recommend the adoption of the following preamble and resolutions:

Whereas, The Synods of Alabama, Arkansas, Georgia, Memphis, Mississippi, North Carolina, South Carolina, Texas and Virginia, with the several Presbyteries under their care, have, with the exception of the Presbytery of New Orleans in the Synod of Mississippi, voluntarily withdrawn from our connection and organized themselves into a separate Church. Therefore,

Resolved, 1. That the Permanent Clerk is directed to drop their names from the list of our Synods and Presbyteries, and they are no longer to be regarded as a part of the Presbyterian Church under the care of this Assembly, with the exception of the Presbytery of New Orleans, which is hereby attached to the Synod of Nashville.

Resolved, 2. That the Assembly does hereby recognize the organization into which these Synods have formed themselves as a separate and independent Church, sustaining to us the same relation which we accord to other branches of the Presbyterian Church; and hereafter it is to be treated accordingly by all the courts under our care.

Resolved, 3. That the Assembly also takes this occasion to say that while it cannot justify those brethren in separating themselves from the Church of their fathers, it regrets their withdrawal, and expresses the earnest hope that they may see their way clear to return to their former relations.—1868, p. 642, O. S.

2. Correspondence with the Presbyterian Church in the U. S.

a. The following preamble and resolutions, presented by Rev. William Adams, D.D., were unanimously adopted, viz.:

Whereas, This General Assembly believes that the interests of the kingdom of our Lord throughout our entire country will be greatly promoted by healing all unnecessary divisions;

Whereas, This General Assembly desires the speedy establishment of cordial fraternal relations with the body known as the "Southern Presbyterian Church," on terms of mutual confidence, respect, Christian honor and love;

Whereas, We believe that the terms of reunion between the two branches of the Presbyterian Church at the North, now so happily consummated, present an auspicious opportunity for the adjustment of such relations; therefore, be it

Resolved, 1. That a Committee of five ministers and four elders be appointed by this Assembly to confer with a similar Committee, if it shall be appointed by the Assembly now in session in the city of Louisville, Ky., in respect to opening a friendly correspondence between the Northern and Southern Presbyterian Churches, and that the result of such conference be reported to the General Assembly of 1871.

Resolved, 2. That with a view to the furtherance of the object contemplated in the appointment of said Committee, this Assembly hereby reaffirms the "Concurrent Declaration" of the two Assemblies which met in the city of New York last year, viz.:

"That no rule or precedent which does not stand approved by both bodies shall be of any authority in the reunited body, except in so far as such rule or precedent may affect the rights of property founded thereon."

Resolved, 3. That two ministers and one elder of the Committee appointed by this Assembly be designated as delegates to convey to the Assembly now in session at Louisville, Ky., a copy of these resolutions, with our Christian salutations.—1870, p. 18.

b. William Adams, D.D., C. C. Beatty, D.D., P. H. Fowler, D.D., H. J. Van Dyke, D.D., J. C. Backus, D.D., Henry Green, LL.D., Hon. William E. Dodge, Mr. James Brown and Hon. Daniel Haines were appointed a Committee of Correspondence with the General Assembly of the Presbyterian Church South, now in session at Louisville, Ky. —*Ib.*, p. 20.

c. J. C. Backus, D.D., and Hon. William E. Dodge, two of the above Committee, made a verbal report of their visit to Louisville, which was accepted.—*Ib.*, p. 34. Subsequently,

d. The Stated Clerk reported a communication from the General Assembly of the Presbyterian Church South, which was read.

[NOTE.—For the letter in full see *Minutes*, 1870, pp. 56–58.]

Whereupon the following response, reported by the Committee on Correspondence with the Church South, was adopted:

Whereas, This General Assembly, at an early period of its sessions, declared its desire to establish cordial fraternal relations with the General Assembly of the Presbyterian Church in the United States, commonly known as the Southern Assembly, on the basis of Christian honor, confidence and love, and with a view to the attainment of this end appointed a Committee of five ministers and four elders to confer with a similar Committee, if it should be appointed by the Assembly then in session at Louisville, Ky., "in regard to the amicable settlement of all existing difficulties, and the opening of a friendly correspondence between the Northern and Southern Churches;" and for the furtherance of the objects contemplated in the appointment of said Committee, and with a view to remove the obstacles which might prevent the acceptance of our proposals by our Southern brethren, reaffirmed the Concurrent Declaration of the two Assemblies which met in New York last year, to the effect that "no rule or precedent which does not stand approved by both the bodies shall be of any authority in the reunited body, except so far as such rule or precedent may affect the rights of property founded thereon," and as a further pledge of our sincerity in this movement sent a copy of our resolutions, together with our Christian salutations, to the Assembly at Louisville by the hands of delegates chosen for that purpose;

And *whereas*, The Southern Assembly, while receiving our delegates with marked courtesy and formally complying with our proposition for

the appointment of a Committee of Conference, has nevertheless accompanied that appointment with declarations and conditions which we cannot consistently accept, because they involve a virtual prejudgment of the very difficulties concerning which we invited the conference; therefore,

Resolved, That the further consideration of the subject be postponed, and the Committee be discharged. At the same time, we cannot forbear to express our profound regret that a measure designed and, as we believe, eminently fitted to promote the establishment of peace and the advancement of our Redeemer's kingdom in every part of our country has apparently failed to accomplish its object. We earnestly hope that the negotiations thus suspended may soon be resumed under happier auspices, and hereby declare our readiness to renew our proposals for a friendly correspondence whenever our Southern brethren shall signify their readiness to accept it in the form and spirit in which it has been offered.—1870, p. 58.

e. Overture No. 15, from the Presbytery of Des Moines, with reference to union with the General Assembly of the Presbyterian Church South. The Committee recommend the adoption of the following resolution:

Resolved, That as the General Assembly has heretofore declared its willingness to resume fraternal relations and Christian union with the Assembly South, and still retains the same sentiment, it is deemed unwise to take any action at present on this overture. Adopted.—1872, p. 70.

(*3*) *Action touching those adhering to the General Assembly of the Presbyterian Church in the U. S. and Old School Synod of Missouri declared null and void.*

An overture from the Presbytery of Baltimore, asking the Assembly to affirm the doctrines of the Standards of our Church pertaining to the civil magistrate and the relation of Church and State; also one from the Presbytery of Austin, concerning certain rules passed previously to the Reunion with regard to members of the Southern Presbyterian Church.

As the subjects of these overtures greatly concern the peace and prosperity of the Church, especially in those regions more directly affected by the late civil war, the Committee would recommend the adoption of the following paper:

The General Assembly, deploring the divisions that have occurred, and that continue, among Presbyterians in the United States of America, and earnestly desiring to do whatever is consistent with duty and fidelity to the Lord toward healing these divisions, and furthermore, having good reason to hope that the action contemplated in the following paper will promote and secure this happy result, do solemnly declare:

1. That in accordance with a resolution unanimously adopted by each of the two bodies now constituting the reunited Church, all action touching the brethren adhering to the body popularly known as the Southern General Assembly, together with all action touching the brethren adhering to the body known as the Old School Synod of Missouri, has been since the Reunion null and void, and therefore of no binding effect, and not to be pleaded as a precedent in the future.

2. The Assembly also express confidence in the soundness of doctrine and in the Christian character of these brethren, and cannot doubt that a more intimate communion would lead to the speedy removal of the barriers that now separate those of like precious faith, to increased

mutual affection and esteem, and to a practical manifestation of our oneness in Christ.

3. With regard to the civil magistrate and the relations of Church and State, the Assembly deem it sufficient to call attention to the following principles and statements found in these Standards, to wit: I. "Synods and Councils are to handle or conclude nothing but that which is ecclesiastical, and are not to intermeddle with civil affairs which concern the commonwealth, unless by way of humble petition in cases extraordinary, or by way of advice for satisfaction of conscience, if they be thereunto required by the civil magistrate" (Confession of Faith, Chap. xxxi, Sec. iv). II. "That God alone is Lord of the conscience, and hath left it free from the doctrine and commandments of men, which are in anything contrary to His Word, or beside it, in matters of faith or worship;" "that all Church power, whether exercised by the body in general or in the way of representation by delegated authority, is only ministerial and declarative—that is to say, that the holy Scriptures are the only rule of faith and manners; that no Church judicatory ought to pretend to make laws to bind the conscience in virtue of their own authority, and that all their decisions should be founded upon the revealed will of God" (Form of Government, Chap. i, Secs. i and vii).

4. For the purpose of carrying out the spirit of the foregoing resolutions, the Assembly will appoint two Committees to confer with similar Committees, if appointed by the General Assembly of the Presbyterian Church in the United States and by the Old School Synod of Missouri, to seek closer and more fraternal relations with these bodies.—1873, p. 502.

(4) *Correspondence with the General Assembly of the Presbyterian Church in the U. S.*

a. A Committee was appointed to confer with a like Committee, if appointed by the General Assembly of the Presbyterian Church in the United States, to seek closer and more fraternal relations with that body. —1873, p. 503.

b. Enlarged, 1874, p. 61, so as to consist of Revs. Samuel J. Niccolls, Henry Darling, Edwin F. Hatfield, Thomas H. Skinner, H. J. Van Dyke, Ebenezer Erskine and Messrs. Benjamin Whitely, James K. Moorhead, Joseph W. Edwards and Samuel M. Breckinridge.

This Committee met with a like Committee of the Southern Church in Baltimore, January 7, 1875. Their report is found in the *Minutes* of 1875, pp. 483–486; and the correspondence in the Appendix, 1875, pp. 627–641.

The Assembly, regretting that the negotiations in reference to fraternal correspondence between the two churches have failed,

Resolved, That it deemed it inexpedient to press the question of fraternal relations at present by further negotiations through the appointment of another Committee. See in full, 1875, pp. 492, 493; 1876, pp. 43, 44, 55, 56.

c. In 1877 the following action was taken:

Inasmuch as the General Assembly of 1870 and 1873 have solemnly declared that all the deliverances of the General Assemblies during the late war, so far as they impeach the Christian character and doctrinal soundness of the body known as the Southern Presbyterian Church, are null and void; and

Whereas, Our last General Assembly, reiterating the action of former Assemblies declared our confidence in the Christian character and doctrinal soundness of the Southern Presbyterian Church, and our desire to enter into fraternal correspondence with them upon terms of perfect equality and reciprocity, and cordially invited the Southern Assembly to send corresponding delegates to this Assembly:

Therefore, *Resolved*, That, while we are sincerely desirous to be reunited in closer relations with the brethren from whom we have been separated, we do not deem it expedient at present to take any further action upon the subject, except to repeat the declaration of the last Assembly, that we are ready cordially to receive a representative from the Southern Church, and to send a delegate to their Assembly, whenever they may intimate a willingness to enter into fraternal relations upon such terms.—1877, pp. 570, 571.

d. In 1882 (*Minutes*, p. 50) a message was received from the General Assembly of the Presbyterian Church in the United States.

[Note.—For which see *Minutes*, 1882, pp. 50, 66, 83, 84; *Digest*, 1886, pp. 537, 538.]

e. Delegates were mutually appointed by the two Assemblies.

[Note.—See *Minutes*, 1882, pp. 102, 103; *Digest*, 1886, pp. 537, 538.]

f. The Assembly U. S. A., *Resolved*, To continue correspondence with the Assembly U. S. by delegates, and telegraphed its resolution to that Assembly.

In response the Assembly U. S. reply: The Assembly has determined to adhere to the action of the last Assembly, which is to correspond by letter.

[Note.—See *Minutes*, 1884, p. 101; *Digest*, 1886, p. 538.]

g. A Committee of Correspondence was accordingly appointed.

[Note.—See *Minutes*, 1884, p. 113.]

Special Committee on Coöperation appointed.

h. A special Committee of seven was appointed by the Assembly U. S. A. to confer with a like Committee of the Assembly U. S., if one should be appointed.

[Note.—See *Minutes*, 1883, p. 591; *Digest*, 1886, p. 538.
For the report of the Committee on Coöperation, see *Minutes*, 1884, pp. 67-70; *Digest*, 1886, pp. 539-541.]

i. In the *Minutes*, 1885, pp. 705-707 (Appendix), will be found a letter from the Assembly U. S., and a reply from the Assembly U. S. A.,

[Note.—See also *Minutes*, 1886, pp. 125, 126.]

j. In 1887 the Assembly U. S. proposed to the Assembly U. S. A., the appointment of a Committee of Inquiry as to certain points suggested by that Assembly. The Assembly U. S. A. responded by the appointment of a Committee of nine to confer, and report to the next Assembly.

[Note.—See *Minutes*, 1887, pp. 116, 117, 128.]

The report of this joint Committee of Conference was referred to a Special Committee.—1888, p. 85, 92.

The report of the joint Committee of Conference, together with the correspondence between the two Committees is found—1888, pp. 93-102.

The Special Committee (1888, p. 92) presented its report, which was unanimously adopted. The Committee of Conference was enlarged by five members, and continued.—1888, p. 93.

[Note.—See *Minutes*, 1889, pp. 20, 68.]

(5) *Coöperation with the Presbyterian Church in the U. S.*

The Special Committee, appointed to confer with a like Committee of the Presbyterian Church in the United States on modes of coöperation, presented its report, which was read. . . . . A minority report by the Hon. S. M. Breckinridge was also received and read, and the consideration of both reports, after being printed, was made the order of the day for Wednesday next at 9.30 A.M.—1889, p. 20.

The following telegram was received from the Presbyterian Church in the United States:

CHATTANOOGA, TENN., May 23, 1889.

To the Moderator of the General Assembly of the Presbyterian Church, Fourth Avenue, New York:

The vote on coöperation was taken at 11 P.M., and passed, 99 to 27

JOSEPH R. WILSON, *Stated Clerk.*

—1889, p. 68.

The whole report was then adopted, and it was

Resolved, That the Stated Clerk be directed to telegraph to the General Assembly in session at Chattanooga, the action of this Assembly, with a statement appended showing the amendments, and giving the reason therefor.

The telegram was read to the Assembly,* adopted, and is as follows:

To the General Assembly of the Presbyterian Church in the United States in session at Chattanooga, Tenn.:

The General Assembly in session in New York city have adopted the report of the Joint Committee of Conference on Coöperation, with the following amendments:

In Paper No. 2, on Coöperation in the Home Field, Resolutions 3 and 4 have been consolidated into one resolution numbered Resolution 3. In Paper No. 3, on Coöperation in the Evangelization of the Colored People, the sixth paragraph of the statement preceding the resolutions was amended by the omission of the words, "While, by conceding the existing situation, it approves the policy of separate churches, Presbyteries and Synods, subject to the choice of the colored people themselves." The Assembly further resolved that this clause was stricken out, not to prejudice future action, nor to outline the future policy of this Church, but simply because this Assembly did not believe that it stated the historical fact in the case. Your concurrence in this action is requested.

In behalf of the Assembly,

WM. H. ROBERTS, *Stated Clerk.*

The report of the Committee on Coöperation as adopted is as follows:

The Committee of Conference on Fraternal Coöperation in Christian Work respectfully presents the following report:

The General Assembly of the Presbyterian Church in the United States of America, in accepting the report of its Committee of Conference with a Committee of Conference of the Presbyterian Church in the United States, adopted, *inter alia*, the following:

"The Assembly devoutly cherishes the hope that the Centennial Celebration, in which the representatives of the two Churches have, within the past few days so cordially united, may prove the beginning of an era of closer fellowship and more cordial coöperation in the conduct of

* See for answer, p. 322.

their work for Christ, and for the more effectual performance of this, recommends that the Committee be enlarged by five new members, and be continued, with instructions to confer with a similar Committee of the other Assembly, if it should be appointed, in devising such methods of conducting our common work, both at home and abroad, as shall open the door to the fullest and heartiest coöperation.

"We recommend that the following persons be added to the Committee: *Ministers*—Henry Darling, Charles S. Pomeroy, William C. Young; *Ruling Elders*—Samuel M. Breckinridge, Henry M. Knox" (*Minutes*, 1888, p. 93).

The Moderator, the Rev. Charles L. Thompson, D.D., was subsequently added to the Committee (*Minutes*, 1888, p. 147).

The General Assembly of the Presbyterian Church in the United States, *Resolved*, That, "in response to the action of the Northern Assembly, we cheerfully agree to appoint a Committee, whose duty it shall be to confer with a similar Committee appointed by them in reference to all such modes of fraternal coöperation in Christian work, both at home and abroad, as may be considered practical and edifying."

This Committee consisted of the Rev. M. D. Hoge, D.D., Chairman; Joseph R. Wilson, D.D., G. B. Strickler, D.D., M. H. Houston, D.D., J. N. Craig, D.D., C. A. Stillman, D.D., T. D. Witherspoon, D.D., and Thomas J. Kirkpatrick, William M. McPheeters, M.D., W. S. Primrose, R. T. Simpson, D. N. Kennedy, A. M. Machen (*Minutes Pres. Church U. S.*, 1888, pp. 422, 435).

These Committees met in joint convention in the city of New York, December 28, 1888, and continued in frank interchange of opinions until January 1, 1889.

Finding itself unprepared for final action, the convention appointed Subcommittees, to which were assigned the topics: I. Of Coöperation in the Foreign Field; II. Of Coöperation in the Home Field; III. Of Coöperation in the Evangelization of the Colored People; IV. Of Coöperation between the two Churches in matters of Publication, etc. These Subcommittees were directed to report to a meeting of the convention to be held in Atlanta, Ga., April 17, 1889, at 11 o'clock A.M.

Accordingly the Committees met in joint convention in the Kimball House, Atlanta, Ga., April 17, 1889, at 11 A.M. The several Subcommittees reported on the subjects assigned them, and after full, free and most fraternal consideration, it was

Resolved, That these two Committees, in joint convention, agree to recommend to their respective Assemblies to adopt the following Papers, I, II, III, IV, as a basis of coöperation in the matters to which they respectively refer, viz.:

I. *As to Coöperation in the Foreign Mission Work.*

The two Committees do agree to report to the General Assemblies which they respectively represent the following:

It is a matter of great satisfaction, for which we are bound to thank God always, that the missionaries of our two Churches have from the beginning maintained the most cordial relations as co-laborers in all the fields abroad in which they have had a common work. In Japan and in Brazil the missionaries of the two Churches, with the native Christians under their care, have united to form, in each country, a separate Presbyterian Church. In China, measures have been adopted looking to the same end. It may be regarded as the established policy of the two

Churches that their missionaries should, in every field where their work is contiguous, unite in planting and developing one Presbyterian Church, having no ecclesiastical connection with either Church in the United States.

In view of these facts it is recommended that the General Assemblies of the two Churches counsel the people under their care to avail themselves of the missionary literature of both Churches, that they may thus have a full and intelligent view of the great work in which they are happily co-laborers: and further, that each of the Churches may recognize the duty resting upon it to consider kindly the mission work of the other, to pray for it, and in every way practicable to promote its success.

II. *As to Coöperation in the Home Field.*

The Committees representing the General Assemblies of the Presbyterian Church, known as Northern and Southern, believing that both parties do earnestly desire so to conduct their Home Mission work as to prevent antagonism or hurtful rivalry, and to avoid even the appearance, on the part of either, of interfering with the work of the other, do agree to recommend to their respective Assemblies for adoption, the following, viz.:

1. Where Presbyteries belonging to the two Assemblies cover the same ground, they are advised to endeavor, either as Presbyteries, or through their Committees, to agree as brethren to have the efforts of one Church expended in certain fields, and the efforts of the other Church expended in certain other fields, within their common bounds, so as to prevent hurtful rivalry or antagonism.

2. Where there are weak churches, which, standing alone, cannot support a minister, but which can be grouped with churches connected with the other Assembly so as to form one ministerial charge, Presbyteries having jurisdiction are advised to allow such churches to be grouped under a minister from either body to whom their respective Presbyteries are willing to give them in charge, and to have their contributions to the general benevolent funds passed through the channels appointed by their respective Assemblies; and where such churches are sufficiently near, they are recommended, a majority of each congregation agreeing, to consolidate and form one congregation, with such Presbyterial connections as may be most agreeable to the membership.

3. That persons connected with churches under the care of one of these Assemblies who may remove into the bounds of churches under the care of the other Assembly, be advised to unite with those churches, and to seek their peace and prosperity. And where such persons are found in sufficient numbers to organize a church (there being no other Presbyterian church in their immediate vicinity), they should form such organization under the care of the Presbytery with which the contiguous Presbyterian churches are connected; provided said Presbytery belongs to either of these Assemblies. Within the bounds of the Presbytery connected with one Assembly there may be communities composed largely of persons who are members of churches connected with the other Assembly, whose affiliations and preferences are too strong to permit them to sever their connection. In such cases, when these persons shall have been organized into a church under the care of the nearest Presbytery connected with that Assembly to which they belong, they should receive from the Presbytery within whose bounds they reside that sympathy and good-will which are implied in the fraternal relations established between the two Assemblies.

III. *As to Coöperation in the Evangelization of the Colored People.*

The Conference Committees of the two Presbyterian Assemblies, now in joint session at Atlanta, recognize that no subjects likely to come under their consideration among the topics regarding coöperation are fraught with profounder interest, or touch graver issues, than the evangelization of the colored people within our bounds, as well as the settlement of their wisest and most profitable ecclesiastical relations among us.

Whatever difference of opinion may prevail on other points, happily all good men agree in the earnest wish to bring the colored race to a saving knowledge of God's truth, and to secure the best practical development of their Christian life and effort.

Many of the colored people are now members of our respective Churches, while many of the actual and prospective ministers of their own race are in training in the schools belonging to one or the other Assembly, or are members of Presbyteries in connection with these bodies. They are now receiving our fostering care, and require our unremitting efforts to instruct them, not only in the fundamental elements of the Christian faith, but in the practical duties of church life, that, grounded in the truth, and guarded from the danger of a mere emotional religion, and from the superstition and fanaticism to which impressible natures are especially liable, they may become intelligent, consistent, faithful followers of Jesus Christ.

In the van of all discussion upon methods of coöperation to this end, we find ourselves confronted by a difference of opinion between the two Assemblies, so far as we can gather from their deliverances, as to the theory upon which such concerted efforts are to be undertaken, and the distinct aim of their accomplishment.

In the Southern Assembly, the policy was adopted many years since, of entire independence for the colored people in their church organizations, as the ultimate issue of the cordial efforts of that Assembly, in behalf of their colored brethren (see *Minutes* of Southern Assembly, 1888, p. 458).

The Northern Assembly, on the other hand, has pronounced itself as not in favor of setting forth its colored members into a separate, independent organization.

It believes that our great work among the colored people, for their moral and religious development, is to be done by recognizing those who are in the Church as entitled to all the rights and privileges which are involved in Church membership and ordination (see *Minutes* of Northern Assembly, 1888, p. 99).

However, since the status in both Churches finds them practically employing the same methods at present in their respective bodies, as regards the education of colored ministers, the progressive evangelization of that race and the organization of their churches into Presbyteries, we do not believe that two great denominations like ours, so near akin, should be prevented from cordial coöperation, so far as may be thought wise, in such vital concerns as these, by any different preferences of opinion as to a final policy, which might be safely left to settle itself in the providence of God, either by the formal decision of the colored people themselves eventually, or by the clearer and more decided conviction of these coöperating Assemblies.

Hence this Joint Committee, waiving the consideration of these differences heretofore stated, agrees to recommend to the two Assemblies:

1. That the relations of the colored people in the two Churches be allowed to remain *in statu quo*, the work among them to proceed on the same lines as heretofore.

2. That all proper aid, comfort and encouragement, in a spirit of kindly Christian sympathy, brotherhood and confidence, shall be extended by each Church to the educational and evangelizing efforts of the other for the colored race, with a view to the encouragement of every laudable effort to this end on both sides.

3. The schools and churches under care of the Board of Missions for Freedmen, and any corresponding work undertaken by the Southern Assembly, especially its Tuscaloosa Institute for the Education of Colored Ministers, shall be heartily recommended to the givers of our respective Churches for practical aid, as mutually concerned in the same great missionary work for the glory of God and the blessing of our common country.

IV. *As to Coöperation in Publication.*

Your Committee appointed to consider the subject of coöperation between the Churches in the interests of publication, etc., respectfully report: That such coöperation is already secured between the business departments of the Committee of Publication at Richmond and the Board of Publication at Philadelphia; the latter having, in effect, made the Publication House at Richmond a depository of its issues. The Richmond House keeps a large stock of the books of the Philadelphia Board on hand; it takes subscriptions for its Presbyterian periodicals, and receives in turn any orders the Publication Board receives from the Southern field.

In like manner publications of the Richmond Committee are on the shelves of the Publication House in Philadelphia, and find circulation whenever there is any demand for them. It would seem, therefore, that we have reached the limits of coöperation, so far as publication is concerned.

We make no report with regard to coöperation in educational institutions, as that question is comprehended in the larger one of the evangelization of the colored people, and will, no doubt, be controlled by the decision of our General Assemblies in relation to that great interest.

Respectfully submitted,

JOSEPH T. SMITH, *Chairman.*

—1889, pp. 69–74.

CHATTANOOGA, TENN., May 24, 1889.

To the Moderator of the General Assembly of the Presbyterian Church in Session in New York:

The General Assembly, in session at Chattanooga, concurs in the amendment as conveyed in the telegram from your body, received to-day.

JOSEPH R. WILSON, *Stated Clerk.*

—1889, pp. 79.

The following resolutions were then adopted:

Resolved, 1. That this Assembly would record its devout gratitude to the great Head of the Church, for the result reached by the Committee of Conference on Methods of Coöperation.

2. That we record our appreciation of the ability, fidelity and zeal of our own Committee.

3. That this Committee be now discharged.—1889, p. 80.

(6) *Committee of Conference with Presbyterian Church in the U. S. on Colored Work.*

[NOTE.—A telegram was received from the Presbyterian Church in the U. S., informing the Assembly that it had appointed a Committee of Conference on Colored Work and asking the appointment of a like Committee by the Assembly U. S. A., which was done.—1892, p. 125. See Report of the Special Committee, *Minutes*, 1893, pp. 19, 20. The Committee was continued with additions. The next year, this Committee, through its Chairman, Dr. William C. Young, presented the report of the Committee, which was received and ordered to be printed in the *Minutes*, for information, and the Committee was discharged, see *Minutes*, 1894, pp. 129–131.]

(7) *Coöperation in Foreign Missions with Presbyterian Church in the U. S.*

a. Overture, an official communication from the Presbyterian Church in the U. S., with reference to coöperation in Foreign Missions.

Recommended, That the General Assembly approve of the project of securing some plan of coöperation with the Presbyterian Church in the United States in Foreign Mission work, and refer this communication to the Board of Foreign Missions for action. Adopted.—1892, p. 178.

b. The Standing Committee on Foreign Missions presented the following supplementary report, which was adopted:

The Standing Committee on Foreign Missions respectfully report:

1. The General Assembly has learned with pleasure that during the past year conference and correspondence have been had by the Board of Foreign Missions with the Committee on Foreign Missions of the Presbyterian Church in the United States, touching coöperation in Foreign Mission fields. On the invitation of the Executive Council of our Board, the Rev. M. H. Houston, D.D., Secretary of the Committee on Foreign Missions, visited New York last March for a conference on this subject. Subsequently, under date of April 12, 1892, Dr. Houston forwarded to our Board a minute from the Committee on Foreign Missions suggesting that the General Assemblies of the two Churches be requested to authorize further conference on the subject with a view to framing some recommendations to be submitted to the respective Assemblies.

In response to this minute, our Board took the following action: "The Board of Foreign Missions acknowledges with devout gratitude to God the receipt of the above minute from the Committee on Foreign Missions of the Presbyterian Church in the United States, and welcomes it as an important step in the direction of our practical coöperation in the foreign field. The Board cordially acquiesces in the suggestion of the Committee that steps should be taken without delay to bring about this much desired result. It is therefore ordered that the General Assembly be requested to authorize the Board to confer with the Committee of the Southern General Assembly on the whole question of practical coöperation on the foreign field, it being understood that the Board shall have no power in the premises except to consult and to frame recommendations which shall be submitted to the General Assembly."

The General Assembly most cordially approves this action of the Board, and hereby authorizes it to confer with the Committee on Foreign Missions of the Presbyterian Church in the United States on the subject named, and to submit a report of the conference, together with any recommendations which may be agreed upon, to the next General Assembly.—1892, pp. 196, 197.

The Assembly hereby approves of the action taken by the Joint Conference of our Board, and the Executive Committee on Foreign Missions

of the Presbyterian Church in the United States, touching coöperation on the Foreign Mission fields.—1893, p. 82.

(8) *Overtures for organic union with Presbyterian Church in U. S.*

a. The Committee on Bills and Overtures also reported on the overtures on Organic Union with the Presbyterian Church in the United States, as follows:

Overtures from the Presbyteries of Allegheny, Benicia, Chester, Dubuque, Holston, Huntingdon, Kingston, Osborne, Ozark and Utica, asking this Assembly to appoint a Special Committee of Conference to confer with a similar Committee, if one should be appointed, by the General Assembly of the Presbyterian Church in the United States, to take into consideration the whole question of organic union of the two bodies aforesaid, upon the basis of our common Standards, and to report to the next Assembly.

The Committee recommend that the following action be taken by this Assembly:

Whereas, We have heard with great joy that the General Assembly of the Presbyterian Church in the United States, now in session in Nashville, Tenn., has before it overtures from its own Presbyteries asking for the appointment of a Special Committee to confer upon the subject of organic union with a similar Committee of this Assembly, if one should be appointed; therefore,

Resolved, That a Special Committee of nine be appointed by the Moderator to confer with a similar Committee, if one should be appointed, by the General Assembly of the Presbyterian Church in the United States, to take into consideration the whole question of the organic union of the two bodies upon the basis of our common Standards, and to report to the next Assembly; and that the Moderator and Stated Clerk be authorized to communicate this action by telegraph to the General Assembly now in session at Nashville, Tenn.

The recommendation was adopted.—1894, pp. 31, 32.

b. In answer to the above, the following telegram from the General Assembly of the Presbyterian Church in the United States, in session at Nashville, Tenn., was received, read and ordered placed on record.

NASHVILLE, TENN., May 23, 1894.

To the General Assembly in Session at Saratoga:

The blessing of God having rested upon our Church in her separate existence and work, the General Assembly of the Presbyterian Church in the United States, in session at Nashville, with affectionate fraternal greetings to the General Assembly of the Presbyterian Church in the United States of America, in session at Saratoga, and wishing it Godspeed in every good word and work, regard it as unwise to reopen the question of organic union.

JAMES R. GRAHAM, *Moderator.*
JOSEPH R. WILSON, *Stated Clerk.*
—1894, p. 92.

Action of the Assembly on the above communication.

c. In the matter of the Special Committee of Conference with the General Assembly of the Presbyterian Church in the United States with a view to organic union, it was

Resolved, That while this Assembly accepts the action of the General Assembly of the Presbyterian Church in the United States, of which it has been notified, as sufficiently indicating the wisdom of suspending for the present everything like overtures looking to a union with that body, it desires to put on record its expression of regret for such suspension.—1894, p. 140.

This Assembly reiterates its hearty readiness to take active steps toward such a union, as soon as the Lord in His providence shall open the way.—1897, p. 83.

XIV. RELATIONS TO NON-ECCLESIASTICAL BODIES.

(*1*) *The Assembly will not petition partisan conventions.*

A request from the Presbytery of Wooster, asking the Assembly to petition the various party conventions, to place in their platform a full, clear recognition of the two great truths, viz., that our Lord Jesus Christ is the Sovereign Ruler of our nation, and that His moral law is the rule of our conduct in all civil and political affairs, and to declare for—1. The American Sabbath; 2. A Uniform Christian Marriage Law; 3. The Right of the Bible in the Public Schools; and, 4. Against the American Saloon.

The Committee recommend the answer, that while the Assembly believes that all its officers and members are in the fullest sympathy with these ends, it does not see its way clear to be a petitioner to partisan conventions. Adopted.—1891, p. 135.

(*2*) *The Assembly receives and appoints delegates only in case of ecclesiastical bodies.*

a. Certain papers purporting to be the credentials of friendly visitors from the Woman's National Christian Temperance Union were presented to the Assembly by the Stated Clerk, and the following resolution in reference to them was adopted:

Resolved, That it is the judgment of this Assembly that friendly delegates or visitors should be received only from corresponding ecclesiastical bodies; but that the Assembly nevertheless expresses its deep sympathy with the work in which the Woman's National Christian Temperance Union is engaged.—1880, pp. 42, 43.

b. Overture.—A paper referred to this Committee by the Assembly. It is a printed document, not addressed specially to the Assembly, but to all associations of ministers and churches, all General Assemblies and Synods, all General and Annual Conferences, all Woman's National and State Unions, Grand Divisions of the Sons of Temperance, Grand Lodges of Good Templars, asking that delegates be appointed by these bodies to attend a National Temperance Convention, to be held at Saratoga Springs, June 21, 1881.

We recommend the following answer:

Whilst this General Assembly feels a deep interest in the subject of temperance, it is not our custom to appoint delegates except to ecclesiastical bodies. Adopted.—1881, p. 551.

c. An invitation from the National Temperance Society and Publication House, inviting the Assembly to send delegates to the National Temperance Convention, to be held at Saratoga Springs, N. Y., July 15, 1891.

To this invitation we recommend the reply that while in full sympathy with every movement for the promotion of Temperance, it is not the habit of the Assembly to send delegates to any but ecclesiastical bodies. Adopted.—1891, p. 135; 1893, p. 86.

XV. POWERS IN DEFINING AND DETERMINING WHICH ARE TRUE AND LAWFUL JUDICATORIES.

Synods and Presbyteries in Kentucky and Missouri.

The Committee to whom were referred sundry papers relating to the divisions of the Synods of Kentucky and Missouri, and of the Presbyteries under their care, which has resulted in two sets of commissioners claiming seats in this General Assembly from several of these Presbyteries, and also sundry papers concerning the signers of a paper entitled a "Declaration and Testimony," etc., together with the citation of the said signers, who were summoned by the last General Assembly to appear before this present Assembly, beg leave to report:

That they have had the matters committed to them under consideration, and have had full personal conference with the several claimants for seats, and recommend to the General Assembly for adoption the following propositions:

I. The ecclesiastical judicatories hereinafter named are the true and lawful judicatories in connection with and under the care and authority of the General Assembly of the Presbyterian Church in the United States of America, namely:

The Synod of Kentucky which met at Henderson, Ky., in October, 1866, and adjourned to meet, and did meet, in Lexington, Ky., in November, 1866, of which Synod the Rev. J. T. Lapsley is now the Moderator and the Rev. S. S. McRoberts is the Stated Clerk, this Synod having under its care and authority, and within its ecclesiastical boundaries, the following Presbyteries, viz., the Presbytery of Louisville, of which the Rev. J. P. McMillan is now the Moderator and the Rev. R. Valentine is the Stated Clerk; the Presbytery of Ebenezer, of which the Rev. J. F. Hendy is now the Moderator and the Rev. R. F. Caldwell is the Stated Clerk; the Presbytery of West Lexington, of which the Rev. Stephen Yerkes, D.D., is now the Moderator and the Rev. J. K. Lyle is the Stated Clerk; the Presbytery of Transylvania, of which the Rev. G. J. Read is now the Moderator and the Rev. S. S. McRoberts is the Stated Clerk; the Presbytery of Muhlenburg, of which the Rev. A. D. Metcalf is now the Moderator and the Rev. S. Y. Garrison is the Stated Clerk; and the Presbytery of Paducah, of which the Rev. J. P. Riddle is now the Moderator and the Rev. James Hawthorn is the Stated Clerk; and these several Presbyteries having in their connection and under their care and authority and within their ecclesiastical boundaries respectively the ministers, churches, licentiates and candidates belonging to, and claiming to belong to, the Presbyterian Church in the United States of America. The foregoing described judicatories, namely, the Synod, Presbyteries and church Sessions within their respective jurisdictions, are to be respected and obeyed as the true and only lawful judicatories possessing the names above recited within the State of Kentucky, which are in connection with and under the care and authority of the General Assembly of the Presbyterian Church in the United States of America; and the commissioners sent to and enrolled in this General Assembly from the above-described Presbyteries are true and lawful commissioners.

The Synod of Missouri, which met at Boonville, Mo., October 10, 1866, of which Synod the Rev. J. P. Finley was elected Moderator and the Rev. J. A. Paige was elected the Stated Clerk, and which adjourned to meet in Kansas City on the second Wednesday in October, 1867, this Synod having under its care and authority, and within its ecclesiastical boundaries, the following Presbyteries, viz., the Presbytery of St. Louis, of which the Rev. J. F. Fenton is now the Moderator and the Rev. H. C. McCook is the Stated Clerk; the Presbytery of Palmyra, of which the Rev. A. Steed is now the Moderator and the Rev. J. P. Finley is the Stated Clerk; the Presbytery of Potosi, of which the Rev. G. W. Harland is now the Moderator and the Rev. A. Munsen is the Stated Clerk; the Presbytery of Lafayette, of which the Rev. Charles Sturdevant is now the Moderator and the Rev. George Fraser is the Stated Clerk; the Presbytery of Southwest Missouri, of which the Rev. William R. Fulton is now the Moderator and the Rev. James A. Paige is the Stated Clerk; and the Presbytery of Upper Missouri, of which the Rev. Mr. Pinkerton is now the Moderator and the Rev. W. C. McPheeters is the Stated Clerk; and these several Presbyteries having in their connection and under their care and authority and within their ecclesiastical boundaries respectively the ministers, churches, licentiates and candidates belonging to, and claiming to belong to, the Presbyterian Church in the United States of America. The above-described judicatories, namely, the Synod, Presbyteries and church Sessions within their respective jurisdictions, are to be respected and obeyed as the true and only lawful judicatories possessing the names above recited within the State of Missouri, which are in connection with and under the care and authority of the General Assembly of the Presbyterian Church in the United States of America; and the commissioners sent to and enrolled in this General Assembly from the above-described Presbyteries are true and lawful commissioners.—1867, p. 335, O. S. The remainder of the deliverance is omitted, in conformity with the action of the Assembly of 1873.

CASE OF THE WALNUT STREET CHURCH, LOUISVILLE, KY. THE ASSEMBLY PASSES UPON THE VALIDITY OF THE ELECTION OF RULING ELDERS.

a. The Committee on Bills and Overtures, to whom were referred the petition and memorial of Benjamin F. Avery, D. McNaughton, James A. Leech and Thomas J. Hackney, ruling elders in the Walnut Street Church in Louisville, praying for such redress as in the wisdom of the General Assembly may seem just and necessary to redress the grievances of said church, as set forth in said memorial and petition, report that they have considered the matter referred, and recommend the adoption of the following:

Whereas, On the second day of January last, D. McNaughton, Benjamin F. Avery and James A. Leech were elected ruling elders by the congregation of said church, and on the ninth day of January the said D. McNaughton was installed and Benjamin F. Avery and James A. Leech were duly ordained and installed ruling elders in said church; and

Whereas, The Presbytery of Louisville, after the election of said ruling elders, with the apparent design of discrediting said election, denied to one of their number a seat in said Presbytery, notwithstanding

he had been duly elected to represent said church at a meeting of said Presbytery; and

Whereas, It is evident that the peace of said church and their congregational rights are in great danger unless this Assembly shall interpose its authority;

Therefore, this General Assembly, by virtue of its authority and obligation to give advice and instruction in all cases submitted to them, does truly declare that the said D. McNaughton, Benjamin F. Avery and James A. Leech are to be recognized and acknowledged as ruling elders in the said church, and all Church courts and Sessions, subject to or under the care of this Assembly, are solemnly enjoined to respect and sustain their authority as such.

The report on this overture was adopted.—1866, p. 54, O. S.

[NOTE.—For the full and final action, on this matter, see *Digest*, 1886, pp. 247, 248, and *Minutes*, 1866, pp. 54, 68; 1868, p. 652; 1869, p. 942, O. S., and 1870, p. 127, and 1872, p. 52.]

b. This Assembly expresses its sympathy with the churches in the Synod of Kentucky in the difficulties and trials into which they have been brought by their adherence to the Presbyterian Church. We will aid them to the full extent of our ability in defending and protecting their church property. And we will encourage the people of God everywhere under our charge, to contribute liberally to repair the pecuniary losses which may be sustained by their churches and schools of learning.

We counsel these brethren also, on the one hand, to yield a cheerful obedience to the laws of the land, even to the extent of taking "joyfully the spoiling of their goods." But, on the other hand, we counsel the courts of the Church to continue to administer the spiritual government of Christ's house which is in their hands, always disregarding the judgments of the secular tribunals on questions which belong to the spiritual jurisdiction alone. It is the constant faith of this Church that civil magistrates may not assume to themselves "the powers of the keys of the kingdom of heaven, or in the least interfere in matters of faith;" "and as Jesus Christ hath appointed a regular government and discipline in His Church, no law of any commonwealth should interfere with, let or hinder the due exercise thereof, among the voluntary members of any denomination of Christians, according to their own profession and belief" (Confession of Faith, Chap. xxiii).

The report was unanimously adopted.—1868, p. 652, O. S.

c. The report of the Committee on Bills and Overtures was amended and adopted, and is as follows:

The various Presbyteries of the Synod of Kentucky respectfully call the attention of the General Assembly to the judicial decisions accompanying this memorial, as follows:

The first is a decision of the Court of Appeals in the State of Kentucky, in which the right of the civil courts to review and reverse the proceedings and decisions of ecclesiastical courts on purely ecclesiastical matters is directly maintained, and in pursuance of which it is adjudged that three ruling elders, whose election and ordination was ordered by the Synod of Kentucky and confirmed by the General Assembly, were not ruling elders in the Presbyterian Church.

The second is a decision of the same court, in which the same superiority of the civil tribunals over the ecclesiastical is maintained, and in pursuance of which the deliverances of the General Assembly during

the late war on loyalty, freedom, etc., are adjudged to be unconstitutional, in which its condemnation of the Declaration and Testimony is adjudged to be erroneous, and its dealings with the signers of that paper to be null and void.

The third is a decision of the Circuit Court of the United States, in which, in opposition to the decisions mentioned, it is decided that the civil courts are bound to respect and enforce the decisions of all ecclesiastical courts, particularly the General Assembly, on all purely ecclesiastical matters whatsoever.

From this last decision an appeal has been taken to the Supreme Court of the United States, and thus the rights and prerogatives of the General Assembly are placed in a posture where they must be determined by that court of last resort.

A case so directly involving the rights of the General Assembly, and so essentially determining the extent to which we shall be permitted to enjoy our religious liberties, ought not, in our judgment, to be left to the management of, nor should the expense fall solely upon, a single church.

We, therefore, respectfully request the General Assembly to take such action and to make such provision as will be necessary in order to a thorough vindication of its rights and prerogatives before that tribunal.

As an answer to this memorial, the Committee on Bills and Overtures recommends the adoption of the following resolutions:

Resolved, 1. This General Assembly expresses its deepest sympathy for those churches in the bounds of the Synod of Kentucky which have become involved in expensive and harassing litigation while faithfully complying with the orders of the superior judicatories of the Church, and directs the Board of Domestic Missions and the Board of Church Extension to afford them all such assistance as it may be in their power to give.

Resolved, 2. While the General Assembly fully recognizes its obligation to be in subjection to the powers that be, yet, so long as anything can legally be done, it must not and will not remain silent and inactive when its own rights and liberties and the rights and liberties of the whole Church are put in peril by injurious decisions in the civil courts; it expresses gratification at the decision that has been rendered by the Circuit Court of the United States in the case referred to in the memorial, and it hereby appoints E. P. Humphrey, D.D., Edgar Needham, and Gen. John M. Harlan, of Louisville, Ky., a Committee to counsel and coöperate with the proper parties in the appeal which has been taken in this case to the Supreme Court of the United States, and for the necessary expenses of said case in the court from which and in the court to which it has been appealed, said Committee is authorized to draw on the Board of Publication for a sum not exceeding five thousand dollars.—1869, p. 942, O. S.

d. The report of the Committee was adopted, viz.:

Your Committee, therefore, ask the General Assembly to allow us to use the unexpended balance of the $5000 appropriation, that balance being $3000, for the purpose of amicably adjusting the Walnut Street case;

Provided, 1. That the sum of $2000 shall be contributed by our brethren for this purpose; and

2. That all the cases pending in any of the courts, involving the title

to houses of worship or parsonages in Kentucky, shall be also amicably adjusted and settled. Such an adjustment would, we trust, exert a most salutary influence upon the cause of Christ and the welfare of the Presbyterian Church.—1870, p. 127.

e. The Supreme Court at Washington has, in a judgment lately rendered, upheld all the rights of property asserted by the Walnut Street Church; and, what is of far more importance, that high court has fully sustained the doctrine for which the General Assembly has contended. In an elaborate written opinion the judges have held, for substance, that the courts of law must accept as final and conclusive the decisions of the General Assembly on questions purely ecclesiastical, and must give full effect to these decisions in settling the property rights of parties litigant.

The General Assembly will not be slow to appreciate the value of this opinion, in the protection which it affords to the liberties of a free Church, and to the funds which may be entrusted to the Assembly and to its congregations for pious uses.

For this reason the Assembly is respectfully overtured to publish the opinion of the court at length, in the Appendix to its *Minutes*, and to order a faithful abstract thereof to be prepared and inserted in the forthcoming *Digest*.

The Board of Publication have promptly honored the drafts of the Committee to the full amount appropriated by the Assembly of 1869. A large part of this money has been expended in the payment of expenses incident to the litigation, leaving a moderate compensation for the labors of our legal counsel.

The Assembly are respectfully asked to accept this as our final report and to discharge the Committee.—1872, p. 52.

XVI. THE ASSEMBLY MAY PROPOSE RULES REGULATIVE OF THE CONSTITUTIONAL POWERS OF PRESBYTERIES AND SYNODS.

VI. Before any overtures or enactments proposed by the Assembly to be established as rules regulative of the constitutional powers of Presbyteries and Synods shall be obligatory upon the Church, it shall be necessary to transmit them to all the Presbyteries, and to receive the returns of at least a majority of them, in writing, approving thereof, and such rules, when approved, shall be appended to the Constitution of the Church.—1892, p. 172.

[NOTE.—Prior to 1892, Sec. vi read as follows:

VI. Before any overtures or regulations proposed by the Assembly to be established as constitutional rules shall be obligatory on the churches, it shall be necessary to transmit them to all the Presbyteries, and to receive the returns of at least a majority of them, in writing, approving thereof.

For decisions and deliverances under this section now stricken out, see *Digest*, 1886, pp. 325-329, 542, 543.

See also Form of Government, Chap. xxiii. Of Amendments.]

I. LOCAL EVANGELISTS.

Constitutional Rule No. 1.—It shall be lawful for Presbytery, after proper examination as to his piety, knowledge of the Scriptures and ability to teach, to license as a local evangelist any male member of the Church, who, in the judgment of Presbytery, is qualified to teach the Gospel publicly, and who is willing to engage in such service under the direction of Presbytery. Such license shall be valid for one year

unless renewed, and such licensed local evangelist shall report to the Presbytery at least once each year, and his license may be withdrawn at any time at the pleasure of Presbytery. The person securing such license shall not be ordained to the Gospel ministry, should he desire to enter it, until he shall have served at least four years as a local evangelist, and shall have pursued and been examined upon what would be equivalent to a three years' course of study in Theology, Homiletics, Church History, Church Polity and the English Bible, under the direction of Presbytery.

The Assembly also directs that the said constitutional rule be appended to the Constitution of the Church, and instructs the Stated Clerk of the General Assembly to carry this direction into effect. Adopted.—1893, p. 200.

Form for licensing local evangelists.

[Note.—See under Form of Government, Chap. xiv, Sec. vii.]

II. EXAMINATION FOR LICENSURE.

Constitutional Rule No. 2.—Candidates for licensure, in addition to the examination required by Chap. xiv, Sec. 4, of the Form of Government, shall be diligently examined in the English Bible, and shall be required to exhibit a good knowledge of its contents and of the relation of its separate parts and portions to each other.—1897, p. 119.

VII. The General Assembly shall meet at least once in every year. On the day appointed for that purpose, the Moderator of the last Assembly, if present, or, in case of his absence, some other minister, shall open the meeting with a sermon, and preside until a new Moderator be chosen. No commissioner shall have a right to deliberate or vote in the Assembly until his name shall have been enrolled by the Clerk, and his commission examined and filed among the papers of the Assembly.

1. Adjourned meetings of the Assembly.

In 1846, the Assembly, N. S., then meeting triennially, was adjourned by the Moderator, in accordance with a previous vote, to meet in the city of Cincinnati, O., on the third Thursday of May, 1847. On the constitutionality of such adjournment the opinion of Chancellor Kent, of New York, was sought, and given as follows:

The question is, Had the General Assembly, under the Constitution of the Presbyterian Church, a lawful or rightful power to so adjourn?

Answer.—In my opinion, the power of adjournment rests in the sound discretion of the General Assembly. I consider the power to be necessarily incident to every deliberative assembly, unless specially prohibited by its charter or Constitution. It appertains, of course, to all legislative assemblies, and is occasionally exercised. This is the case with the English Parliament, and with the legislative assemblies in the United States.

The Constitution of the United States says that Congress shall assemble at least once in every year, and on the first Monday in December. The only inhibition in the Constitution is that neither House shall adjourn without the consent of the other for more than three days, nor to any other place. The Constitution is silent as to any other adjournment, and yet no question has ever been raised as to the power of

Congress or both Houses concurrently to adjourn the session to a future time.

So in the Constitution of New York, the legislative term begins on the first of January, and the Legislature are to assemble every year on the first Monday in January, and neither House without the consent of the other can adjourn for more than two days. No doubt is raised as to the competency of the two Houses jointly to adjourn, in their discretion, to any future or distant day. And though the Legislature are to meet as prescribed, and are, as to the Assembly, elected annually, it is now in contemplation at the present session to adjourn over to the month of September.

The Constitution of the Presbyterian Church leaves silently the same power of adjournment, precisely on the same footing of discretion. Thus the General Assembly are to meet at least triennially or once in every third year. And the last Moderator, with the concurrence of the Stated and Permanent Clerks, may call a *pro re nata* meeting of the General Assembly, in case of any emergency, on four months' notice.* And the Assembly is to be considered as the same with the previous one.

The adjournment preserves the identity of the Assembly. I have no doubt that upon a sound construction of the Constitution the General Assembly has the same analogous power as all other political legislative bodies to which I have alluded. If any greater restriction had been intended, it would have been expressed. The language quoted implies as of course the power of adjournment. It is a wise and necessary power to guard against calamities, and overruling necessities, such as a desolating sickness, or conflagration, or insurrection, etc. It may be safely confided to such a representation, if anything may.

Even in ordinary civil corporations, where powers are granted very guardedly and construed strictly, it is adjudged that a corporation may transact any business at an adjourned meeting which they might have transacted at an original meeting (11 Vt. Reports, 385).

For these reasons briefly I conclude that the power of adjournment by the General Assembly the last year to Cincinnati was constitutional.

JAMES KENT.

NEW YORK, *April 19, 1847.* —1847, p. 147, N. S.

2. The adjourned meeting of 1869.

The two Assemblies of 1869, meeting in New York, mutually agreed:

a. That the said General Assemblies now sitting shall, after finishing their business, adjourn, to meet in the city of Pittsburgh, Pa., on the second Wednesday of November, 1869, at 11 o'clock A.M.—O. S., p. 915; N. S., p. 277.

b. It was ordered that when the Assembly adjourns this afternoon it be to meet in the First Church of Pittsburgh, on Wednesday, the 10th day of November next, at 11 o'clock A.M.—1869, p. 949, O. S.

In accordance with previous action, the Assembly, with prayer and the apostolic benediction by the Moderator, adjourned to meet at the Third Presbyterian Church, in the city of Pittsburgh, Pa., on the second Wednesday of November, A.D. 1869, at 11 o'clock A.M.—1869, p. 304, N. S.

* It was so provided in the plan under which triennial Assemblies were held.—1839, p. 27, N. S.

3. Who may sit as commissioners in an adjourned Assembly.

a. The Committee (Hon. Daniel Haines and Hon. Joseph Allison, LL.D.) on Instructing the Presbyteries concerning their representation at the adjourned meeting of this Assembly presented a report, which was adopted, and is as follows:

Whereas, It has been questioned whether this Assembly at the proposed adjourned meeting in November next, at Pittsburgh, Pa., can be properly constituted of the principal or alternate commissioners not in attendance on the sessions of the body at this time; therefore,

Resolved, In the judgment of the Assembly those commissioners *only* who have presented their commissions, and whose names have been placed on the roll, will be entitled to participate in the meeting of the Assembly in November, except in case of a vacancy occasioned by death, resignation, refusal or inability of any such commissioner to attend, in which event it will be competent and proper for the Presbytery to supply the vacancy by a new election or appointment.—1869, p. 290, N. S.

b. W. E. Schenk, D.D., Permanent Clerk, from the Committee on Commissions, reported that several gentlemen were present with commissions as alternates, the principals being absent. On motion of G. W. Musgrave, D.D., it was

Resolved, That all alternates presenting regular commissions be enrolled, the principals being absent. Mr. Henry Day was requested to communicate this action to the Assembly of the other branch, now sitting in the Third Presbyterian Church in this city, which he did.

The alternates present were enrolled as follows: W. A. Scott, D.D., from the Presbytery of New York; Rev. Joseph A. Hanna, from the Presbytery of Oregon; Rev. A. B. Cross, from the Presbytery of Baltimore; Ruling Elder William Carpenter, from the Presbytery of Newton. —1869, p. 1143, O. S.

VIII. Each session of the Assembly shall be opened and closed with prayer. And the whole business of the Assembly being finished, and the vote taken for dissolving the present Assembly, the moderator shall say from the chair—"By virtue of the authority delegated to me by the Church, let this General Assembly be dissolved, and I do hereby dissolve it, and require another General Assembly, chosen in the same manner, to meet at on the day of A.D. "—after which he shall pray and return thanks, and pronounce, on those present, the apostolic benediction.

1. The place of meeting determined by the vote of the Assembly.

The Committee on the minute to be made concerning the place of meeting of this Assembly presented their report, which was adopted, and is as follows:

The Committee having under consideration the minute to be made concerning the place of meeting of the Assembly would report: The Assembly of 1879, on the 26th day of May, at Saratoga, appointed "Madison, Wis.," as the place of meeting for the present Assembly. No house or place of meeting in this city was named or designated (see *Minutes* of 1879, p. 619).

When the Moderator of the last Assembly declared that body dissolved,

he did announce that the present Assembly would meet in the First Presbyterian Church of Madison, Wis. (*Minutes* of 1879, p. 634). The law of our Church requires the Moderator to dissolve the Assembly, "and to require another . . . . to meet at ——, on the —— day of ——" (Form of Government, Chap. xii, Sec. viii).

The Assembly, and not the Moderator, has the right and the power of fixing the place of meeting. The Assembly fixed the city of Madison, and left the present Assembly to seek its own place or house in which to meet. This Assembly selected this hall, after it was so kindly and generously tendered by His Excellency the Governor of this State. There can be no question but that the meeting in this hall is regular, and in conformity with the order of the last Assembly, and of the law and Constitution of the Church.

Your Committee ask to be discharged from the further consideration of the matter committed to them.—1880, p. 81.

2. Permanent committee on the place of meeting of the next Assembly.

The Moderator and the Stated and Permanent Clerks were appointed a Committee to report from year to year on the place of the meeting of the next ensuing Assembly.—1881, p. 59.

3. Form of minute of dissolving the Assembly.

After solemn praise and thanksgiving, the business of the Assembly having been completed, and the vote taken for the dissolution, the Moderator dissolved the Assembly, saying, "By virtue of the authority delegated to me by the Church, let this General Assembly be dissolved, and I do hereby dissolve it, and require another General Assembly, chosen in the same manner, to meet at Saratoga Springs, N. Y., on the third Thursday of May, 1896." The sessions were closed with singing, prayer and the apostolic benediction.

THE TRUSTEES, THE BOARDS, AND THE SEMINARIES.

[NOTE.—As illustrating and explaining the powers of the Assembly it has seemed both logical and convenient to put under Chap. xii, Sec. v, the charter of the Trustees; the legislation concerning the Boards and the action of the Assembly relating to theological instruction and the theological seminaries.]

I. THE TRUSTEES OF THE GENERAL ASSEMBLY.

1. Charter of the Trustees.

An Act for Incorporating the Trustees of the Ministers and Elders constituting the General Assembly of the Presbyterian Church in the United States of America.

Whereas, The ministers and elders forming the General Assembly of the Presbyterian Church in the United States of America, consisting of citizens of the State of Pennsylvania, and of others of the United States of America aforesaid, have by their petition represented that by donations, bequests or otherwise, of charitably disposed persons, they are possessed of moneys for benevolent and pious purposes, and the said ministers and elders have reason to expect further contributions for similar uses; but from the scattered situation of the said ministers and elders, and other causes, the said ministers and elders find it extremely difficult to manage the said funds in the way best calculated to answer the intention of the donors; Therefore,

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same: That John Rogers, Alexander McWhorter, Samuel Stanhope Smith, Ashbel Green, William M. Tenant, Patrick Allison, Nathan Irvin, Joseph Clark, Andrew Hunter, Jared Ingersoll, Robert Ralston, Jonathan B. Smith, Andrew Bayard, Elias Boudinot, John Nelson,

Ebenezer Hazard, David Jackson and Robert Smith, merchant, and their successors duly elected and appointed in manner as is hereinafter directed, be and they are hereby made, declared and constituted, a corporation and body politic and corporate, in law and in fact, to have continuance forever, by the name, style and title of "Trustees of the General Assembly of the Presbyterian Church in the United States of America;" and by the name, style and title aforesaid, shall, forever hereafter, be persons able and capable in law as well to take, receive and hold, all and all manner of lands, tenements, rents, annuities, franchises and other hereditaments, which at any time or times heretofore have been granted, bargained, sold, enfeoffed, released, devised, or otherwise conveyed, to the said ministers and elders of the General Assembly of the Presbyterian Church in the United States, or any other person or persons, to their use, or in trust for them: and the same lands, tenements, rents, annuities, liberties, franchises and other hereditaments, are hereby vested and established in the said corporation and their successors forever, according to the original use and intent for which such devises, gifts and grants were respectively made; and the said corporation and their successors are hereby declared to be seized and possessed of such estate and estates therein, as in and by the respective grants, bargains, sales, enfeoffments, releases, devises and other conveyances thereof, is or are declared, limited and expressed; also, that the said corporation and their successors, at all times hereafter, shall be capable and able to purchase, have, receive, take, hold and enjoy, in fee simple, or of lesser estate or estates, any lands, tenements, rents, annuities, franchises and other hereditaments, by the gift, grant, bargain, sale, alienation, enfeoffment, release, confirmation or devise, of any person or persons, bodies politic and corporate, capable and able to make the same: And further, That the said ministers and elders, under the corporate name aforesaid, and their successors, may take and receive any sum or sums of money, and any portion of goods and chattels, that have been given to the said ministers and elders, or that hereafter shall be given, sold, leased or bequeathed to the said corporation, by any person or persons, bodies politic or corporate, that is able or capable to make a gift, sale, bequest or other disposal of the same; such money, goods, or chattels, to be laid out and disposed of, for the use and benefit of the aforesaid corporation, agreeably to the intention of the donors, and according to the objects, articles and conditions of this act.

Sec. 2. And be it further enacted by the authority aforesaid: That no misnomer of the said corporation and their successors shall defeat or annul any gift, grant, devise or bequest, to or from the said corporation, provided the intent of the party or parties shall sufficiently appear upon the face of the gift, will, grant or other writing, whereby any estate or interest was intended to pass to or from the said corporation.

Sec. 3. And be it further enacted by the authority aforesaid: That the said corporation and their successors shall have full power and authority to make, have and use one common seal, with such device and inscription as they shall think fit and proper; and the same to break, alter, and renew at their pleasure.

Sec. 4. And be it further enacted by the authority aforesaid: That the said corporation and their successors, by the name, style and title aforesaid, shall be able and capable in law to sue and be sued, plead and be impleaded, in any court, or before any judge or justice, in all and all manner of suits, complaints, pleas, matters and demands of whatsoever nature, kind and form they may be; and all and every matter and thing to do, in as full and effectual a manner as any other person, bodies politic or corporate, within this Commonwealth, may or can do.

Sec. 5. And be it further enacted by the authority aforesaid: That the said corporation and their successors shall be and hereby are authorized and empowered to make, ordain and establish by-laws and ordinances and do everything incident and needful for the support and due government of the said corporation in managing the funds and revenues thereof; *Provided*, The said by-laws be not repugnant to the Constitution and laws of the United States, to the Constitution and laws of this Commonwealth, or to this act.

Sec. 6.* And be it further enacted by the authority aforesaid: That the said corporation shall not, at any time, consist of more than eighteen persons: whereof the said General Assembly [at any annual meeting wherever held,

* Portions in brackets comprise the amendments of October 27, 1885, authorized by Court of Common Pleas (No. 4) of Philadelphia County, Sept. Term, 1885, No. 422.

may at their discretion], change one-third, in such manner as to the said General Assembly shall seem proper [and also at like times and in like manner fill any vacancies therein]: and the corporation aforesaid shall have power and authority to manage and dispose of all moneys, goods, chattels, lands, tenements and hereditaments, and other estate whatsoever, committed to their care and trust by the said General Assembly; but in cases where special instructions, for the management and disposal thereof, shall be given by the said General Assembly in writing, under the hand of their Clerk, it shall be the duty of said corporation to act according to such instructions: *Provided*, The said instructions shall not be repugnant to the Constitution and laws of the United States, or to the Constitution and laws of this Commonwealth, or to the provisions and restrictions in this act contained.

SEC. 7. And be it further enacted by the authority aforesaid: That six members of this corporation, whereof the President, or in his absence the Vice-President, to be one, shall be a sufficient number to transact the business thereof, and to make By-Laws, rules and regulations: *Provided*, That previous to any meeting of the Board or corporation, for such purposes, not appointed by adjournment, ten days' notice shall be previously given thereof, in at least one of the newspapers printed in the city of Philadelphia: And the said corporation shall and may, as often as they shall see proper, and according to the rules by them to be prescribed, choose out of their number a President and Vice-President, and shall have authority to appoint a Treasurer, and such other officers and servants as shall by them, the said corporation, be deemed necessary; to which officers the said corporation may assign such a compensation for their services, and such duties to be performed by them, to continue in office for such time, and to be succeeded by others, in such way and manner as the said corporation shall direct.

SEC. 8. And be it further enacted by the authority aforesaid: That all questions before the said corporation shall be decided by a plurality of votes, whereof each member present shall have one, except the President, or Vice-President when acting as President, who shall have only the casting voice and vote, in case of an equality in the votes of the other members.

SEC. 9. And be it further enacted by the authority aforesaid: That the said corporation shall keep regular and fair entries of their proceedings, and a just account of their receipts and disbursements, in a book or books to be provided for that purpose; and their Treasurer shall, once in every year, exhibit to the General Assembly of the Presbyterian Church in the United States of America an exact state of the accounts of the corporation.

SEC. 10. And be it further enacted by the authority aforesaid: That the said corporation may take, receive, purchase, possess and enjoy, messuages, houses, lands, tenements, rents, annuities, and other hereditaments, real and personal estate of any amount, not exceeding *[fifty] thousand dollars a year value, but the said limitations not to be considered as including the annual collections and voluntary contributions made in the churches under the care of the said General Assembly.

CADWALADER EVANS, JR.,
Speaker of the House of Representatives.

ROBERT HARE,
Speaker of the Senate.

Approved March 28, 1799.

THOMAS MIFFLIN,
Governor of the Commonwealth of Pennsylvania.

2. The charter accepted.

The Committee appointed by the General Assembly of the Presbyterian Church to endeavor to obtain from the Legislature of the State of Pennsylvania an act of incorporation authorizing certain trustees to hold the property of the Assembly, etc., report that on application to the Legislature they obtained the act of incorporation for which they were directed to apply, a copy of which accompanies this report, corresponding exactly with the draught which was last year submitted to the Assembly, excepting only the sum which the trustees are authorized to hold is somewhat smaller than was inserted in that draught.

* Supplement approved March 23, 1864. Pamphlet Laws, 1865, p. 648.

The above report, and act of incorporation accompanying it, were read and approved.—1799, p. 173.

[NOTE.—See adjustment at the Reunion, *Digest*, 1886, p. 336; *Minutes*, 1870, p. 98.]

3. Trustees of the Presbyterian House.

For the successive steps which led to the appointment of the Board see *New Digest*, Moore, 1861, p. 404. In 1854 a charter was obtained from the Legislature of Pennsylvania which is as follows, viz.:

An Act to Incorporate the Trustees of the Presbyterian House.

Whereas, The General Assembly of the Presbyterian Church in the United States of America which held its sessions in the First Presbyterian Church, on Washington Square, in the city of Philadelphia, in May, Anno Domini one thousand eight hundred and fifty-four, did appoint John A. Brown, Samuel H. Perkins, Charles S. Wurts, Matthias W. Baldwin and John C. Farr, trustees of the Presbyterian Publication House, and recommended that the said Board obtain an act of incorporation under the laws of this State, and that the said act should contain a general provision, authorizing the said trustees to hold in trust for said Assembly any property committed to them by donations, bequests or otherwise; and

Whereas, Several gentlemen in the city of Philadelphia, feeling the necessity of some suitable place for the business of the societies and churches connected with the said Assembly, purchased a property for that purpose which they are desirous of conveying to the said trustees; and

Whereas, The said trustees will labor under serious disadvantages as to receiving and holding the title of said property, as well as any that may be committed to them by donations, bequests or otherwise in trust for said Assembly; therefore

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same: That John A. Brown, Samuel H. Perkins, Charles S. Wurts, Matthias W. Baldwin and John C. Farr, citizens of the United States and of this Commonwealth, and their successors, are hereby constituted and declared to be a body politic and corporate by the name of "The Trustees of the Presbyterian House," and as such shall have perpetual succession, and be able to sue and be sued, and to purchase and receive, take and hold, to them and their successors for ever, lands, tenements, and hereditaments, goods, money and chattels, and all kinds of property and estate, which may be devised or bequeathed or given to them, or to said Assembly for them, and the same to sell, alien, demise and convey, also to make a common seal, and the same to alter and renew at their pleasure, and also to make such rules, by-laws and ordinances as may be needful for the government of said corporation, and not inconsistent with the Constitution and laws of the United States and of this State: *Provided always*, That the clear yearly income of the real estate held by the said corporation shall not at any time exceed the sum of five thousand dollars.

SEC. 2. That the trustees above named shall hold their office till the first day of June, Anno Domini one thousand eight hundred and fifty-five, and until their successors are duly qualified to take their places, who shall be chosen by the said Assembly and their successors, who may at any annual meeting increase the number of said trustees to ten, if, in their judgment, the interest of the churches under their care require it.

SEC. 3. That the said Assembly and their successors shall, at their annual meeting in each and every year, wherever held, elect at least five trustees, who shall hold their office for one year, and until their successors are elected and qualified; *Provided*, That the said corporators shall be citizens of Pennsylvania.

SEC. 4. That the trustees hereby incorporated, and their successors, shall, subject to the direction of the said Assembly and their successors, have full power to manage all funds, property and effects committed to their care by gift, purchase, bequest or otherwise, and to execute any trusts confided to them by the said General Assembly or their successors, in such manner as shall be deemed most advantageous, and not contrary to law or the intention of the donor or testator.

SEC. 5. That the Act entitled "An Act to Incorporate the Trustees of the

Constitutional Presbyterian Publication House," approved the thirteenth day of April, Anno Domini one thousand eight hundred and fifty-five, be and the same is hereby repealed.

HENRY K. STRONG,
Speaker of the House of Representatives.
WM M. HIESTER,
Speaker of the Senate.

[NOTE.—This charter was accepted, 1855, p. 26, N. S. See also *Digest*, 1886, p. 457. The trustees were directed to act as trustees for "The Presbyterian Publication Committee," 1857, p. 410, N. S. *Digest*, 1886, p. 458. "The Presbyterian House" was declared to be held in trust for the "Presbyterian Publication Committee."—1863, p. 274, N. S.; 1864, p. 539, N. S.; 1871, p. 671.]

4. Consolidation and merger of the trustees of the General Assembly and of the Presbyterian House.

The trustees of the Presbyterian House, as authorized and directed by the General Assembly, concurrently with the trustees of the General Assembly, made application in September, 1885, to the Court of Common Pleas No. 4, of Philadelphia county, Pennsylvania, for the consolidation and merger of the two corporations. The application was successful, and the necessary transfers and assignments having been made, the union of the two corporations, under the corporate title of "The Trustees of the General Assembly of the Presbyterian Church in the United States of America," was completed. The corporate powers of "The Trustees of the Presbyterian House," with their officers, were, by the terms of the consolidation and merger, continued as far as necessary to enable them to receive and take any bequests, devises and gifts made to them.

5. Business regulations.

Resolved, That the management and disposal of all moneys, goods, chattels, lands, tenements, hereditaments, and all other estate whatever, committed to their care and trust by the General Assembly, is invested in the said trustees; unless where special instructions for the management and disposal thereof shall be given by the General Assembly in writing under the hand of their Clerk; in which case, the corporation is to act according to said instructions. That an exact state of the accounts of the trustees is to be exhibited by their treasurer to the General Assembly, once in every year; whereupon it is recommended:

1. That this state of the accounts be laid before the General Assembly as early in their sessions as possible, in order that the General Assembly may know what appropriations it may be in their power to make, or what instructions to give to their trustees, respecting the moneys in hand.

2. That when any appropriations are made by the General Assembly, a copy of their minute for that purpose, signed by the Clerk, shall be transmitted to the trustees, and shall be their warrant for the payment of all moneys thus appropriated.

3. That when any measures are taken, or any resolutions adopted by the General Assembly, or the Board of Trustees, which it concerns the other to be acquainted with, due information of the same shall be given, as soon as possible, to the other.—1801, p. 232.

6. Manner of election of trustees.

1. When this subject is called up annually, a vote shall first be taken whether for the current year the Assembly will or will not make any election of members in the Board of Trustees.

2. If an election be determined on, the day on which it shall take place shall be specified, and shall not be within less than two days of the time at which such election shall be decided on.

3. When the day of election arrives, the Assembly shall ascertain what vacancies in the number of the eighteen trustees incorporated have taken place, by death or otherwise, and shall first proceed to choose other members in their places. When this is accomplished, they shall proceed to the trial whether they will elect any, and if any, how many of that third of the number of the trustees which by law they are permitted to change in the following manner, viz.: The list of the trustees shall be taken, and a vote be had for a person to fill the place of him who is first on the list. In voting for a person to fill said place, the vote may be given either for the person who has before filled it, or for any other person. If the majority of votes shall be given for the person who has before filled it, he shall continue in office. If the majority of votes shall be given for another person, this person is a trustee, duly chosen in place of the former. In the same form the Assembly shall proceed with the list, till they have either changed one-third of the trustees (always including in the third those who have been elected by the sitting Assembly to supply the places become vacant by death or otherwise), or by going through the list, shall determine that no further alteration shall be made.—1801, p. 217.

7. Record of election by the Assembly.

By unanimous consent the Stated Clerk was empowered to cast, and did cast, the vote of the Assembly, for Hon. William M. Lanning as trustee of the Assembly.—1897, p. 145.

8. Trustees authorized to receive and hold in trust bequests made to the Presbyterian Historical Society.

Overture from the Presbyterian Historical Society, requesting the General Assembly to authorize the trustees of the General Assembly to receive any bequests which may be made to the Presbyterian Historical Society, and to hold the same in trust for the benefit of that Society, in a manner similar to that which now obtains in case of bequests for various objects approved by the General Assembly. Recommended that the request be granted. Adopted.—1896, p. 47.

9. The official seal of the Church.

The Committee on Bills and Overtures reported the following:

a. In view of the interest recently awakened in the device known as the "Seal of the Presbyterian Church,"

Resolved, That a Committee of three be appointed, to report to the next General Assembly upon the history and symbolism of the "Seal of the Trustees of the General Assembly," and make such recommendation as may be deemed advisable. Adopted.—1889, p. 121.

The Committee were *Ministers*—Henry C. McCook, D.D., George D. Baker, D.D.; *Ruling Elder*—George Junkin.

Resolved, That it is the sense of this Assembly, that an open Bible be the central symbol of the Church's seal, and that this Committee be instructed to prepare drawings which shall appropriately display the same, and report to the next Assembly.—1891, p. 134.

[Note.—See the full report of the Committee, 1892, pp. 25-33, containing the description of the seal, which the Rev. Dr. H. C. McCook was authorized to prepare.]

b. *Resolved*, 1. That the General Assembly hereby adopts as its official seal the following, namely: For a central device the figure of an open Bible displayed upon a circular field, and in form as represented upon the seal of the Westminster Assembly of Divines; upon the dexter page thereof to be inscribed the motto, "The Word of God," within an oval field, and upon the upper margin of the said page the Scriptural reference, "1 Peter i. 23."

Upon the opposite or sinister page, within a similar oval field, the following device, namely: The figure of a brazen serpent suspended from a cruciform pole uplifted within a wilderness, in form as represented upon the official seal of the trustees of this General Assembly. In addition thereto, upon the background of the field, and behind the central figure, a miniature of the emblem upon the seal of the Kirk of Scotland, namely, a burning bush within a radiating circle of rays of light; further, a decorative wreath of palm upon the lower margin of the oval field, and in corresponding position upon the upper margin, the motto, "Christus Exaltatus Salvator," and upon the upper margin of the page itself, the Scriptural reference, "John iii. 14."

In addition to this central emblem thus differenced, it is directed that a semicircular wreath of branches of palm in form, as nearly as may be, like the decorative wreath upon the Westminster Assembly's seal, be placed upon the upper margin of the circular field, and in corresponding position below the Book, a wreath of olive and oak combined. Further, that there be placed behind the Book and the wreath radiating rays of light filling the vacant spaces of the field.

Surrounding the whole device the scroll of the seal shall bear the words, "Seal of the General Assembly of the Presbyterian Church in the United States of America." As further indicating the will of the Assembly as above expressed, the Assembly refers to the accompanying drawing and engraving submitted by the Committee upon the seal.

Resolved, 2. The Committee is hereby directed to procure an engraved stamp or die of the device and scroll, as above adopted, for the use of the General Assembly, and they are authorized to make any merely technical changes in the lettering of the scroll and grouping of the motto and figures of the device, as above described, that may be found necessary or advantageous in the engraving of the same.

Resolved, 3. The Stated Clerk of the General Assembly shall be the official custodian of the seal.

Resolved, 4. That the Committee be directed to prepare an accurate drawing of the seal as thus adopted, and deposit it with the Presbyterian Historical Society, for reference as the authorized form of the same.

Resolved, 5. That the Committee be directed to procure a copyright of the seal and place the same in the keeping of the Trustees of the General Assembly.—1892, pp. 32, 33.

II. THE BOARDS OF THE CHURCH.

GENERAL MATTERS.

1. Concurrent declarations, Assembly of 1869.

5. The corporate rights now held by the two General Assemblies, and by their Boards and Committees, should, as far as practicable, be consolidated, and applied for their several objects, as defined by law.

6. There should be one set of Committees or Boards for Home and Foreign Missions, and the other religious enterprises of the Church;

which the churches should be encouraged to sustain, though free to cast their contributions into other channels, if they desire to do so.

7. As soon as practicable after the union shall have been effected, the General Assembly should reconstruct and consolidate the several Permanent Committees and Boards, which now belong to the two Assemblies, so as to represent, as far as possible, with impartiality, the views and wishes of the two bodies constituting the united Church.—1869, pp. 916, O. S., and 278, N. S.

2. Assembly regulations as to minutes, reports and membership.

1. Each Board and Permanent Committee is instructed to send up its minutes with its report, that these minutes may be reviewed by the Assembly on the report of the appropriate Standing Committee.—1885, p. 690.

2. A sufficient number of the reports of the Boards and Committees shall be forwarded by them to the place of meeting of each Assembly, prior to the day of meeting; and a complete file of the same, stitched together, shall be delivered to each commissioner.—1886, p. 77.

3. No person shall serve as a member of a Board who is an executive officer or employé of said Board, or a member of any other benevolent Board of the Church; and no more than one ruling elder from the same congregation shall serve on a Board at the same time [1887, pp. 51, 108].

4. Any vacancy occurring in the membership of any of the Boards of the Church during the interval between the Assemblies, may be filled until the next succeeding meeting of the Assembly, by the Board in which such vacancy may occur [1887, p. 128].—1896, pp. 349p, 349q.

5. It is recommended that the *Annual Reports* of the Boards for the year 1897 be printed and distributed as heretofore (seven thousand copies), under the direction of the Stated Clerk, the expenses to be borne by the several Boards in proportion to the space occupied by each Report in the bound volume. Adopted.—1897, p. 143.

3. Regulation as to use of legacies.

Resolved, That when any Board receives a legacy the use of which is not indicated in the will of the testator, the funds shall either be used for current work, or shall be invested in accordance with the laws provided for the care of trust funds in the State where the Board is located. But if not so used, the funds shall be held until the General Assembly approves of some different use of them, which the Board may propose to make.—1897, p. 50.

4. No trustee or director of a charitable or benevolent institution may receive any salary or emolument from said institution.

On the 12th of March, 1872, the following Act was passed by the New York Legislature in relation to trustees and directors of charitable and benevolent institutions:

Section 1. No trustee or director of any charitable or benevolent institution, organized either under the laws of the State or by virtue of a special charter, shall receive, directly or indirectly, any salary or emolument from said institution, nor shall any salary or compensation whatever be voted or allowed by the trustees or directors of any institution organized for charitable or benevolent purposes to any trustee or director of said institution for services either as trustee or director or in any other capacity.—1872, p. 42.

[Note.—Substantially the same law is in effect in Pennsylvania and some other States.]

I. THE BOARD OF HOME MISSIONS.

1. History.

[NOTE.—For a full account of the early mission work of the Church and of the origin and progress of the work, culminating in the present Board of Home Missions, see Assembly's *Digest* (Baird), revised edition, 1858, pp. 321-362, with the annual *Minutes* of the Assembly, O. S., from 1858 to 1869. Also Moore's new *Digest*, 1861, with the annual *Minutes*, N. S., from 1861 to 1869, and Moore's *Digest*, 1886, pp. 422-426.

"THE STANDING COMMITTEE OF MISSIONS" was appointed by the Assembly in 1802, p. 258. In 1816, p. 633, the Committee was enlarged and its title changed to "The Board of Missions, acting under the authority of the General Assembly of the Presbyterian Church in the United States." In 1827, p. 217, and again in 1828, p. 244, its powers were enlarged. Up to 1837 the "Board of Missions" was the only agency of the General Assembly for carrying on the work of missions at home and abroad. In that year it was:

"*Resolved*, That the General Assembly will superintend and conduct by its own proper authority the work of Foreign Missions of the Presbyterian Church by a Board appointed for that purpose and directly amenable to said Assembly."—1837, pp. 452, 453.

The N. S. Assembly continued to coöperate with the American Home Missionary Society until 1861. In 1852 a Report on Church Extension was adopted, and a Committee of Conference with the A. H. M. S. appointed, who next year reported, recommending the continuance of coöperation (see Moore's new *Digest*, 1861, pp. 361-367; also pp. 368, 369). After full discussion, action was taken, establishing "The Church Extension Committee," which was chartered by the Legislature of New York in 1862. For Charter see *Digest*, 1886, pp. 425, 426.]

2. Consolidated Board as established at reunion.

The unfinished business was resumed, viz., the report of the Joint Committee on Home Missions, which, after protracted discussion, was adopted as follows:

The Joint Committee appointed by the two Assemblies of 1869 to arrange for the consolidation of the "Board of Domestic Missions" and "The Committee of Home Missions," would respectfully report that, in full attendance, they have given the subject with which they were charged their most careful deliberation.

Some things pertaining to the proposed new organization were very readily adjusted, as appears in the following recommendations, adopted with entire unanimity, viz.: 1. The name to be "The Board of Home Missions of the Presbyterian Church in the United States of America."

2. That this Board consist of fifteen members, five constituting a quorum.

3. That the Board be authorized to appoint one Secretary, with so much assistance as the Board may deem necessary.

After proceeding so far, your Committee were advised by eminent legal counsel that, inasmuch as the Board and Committee now existing hold their respective charters from different States, legislative action in the States of Pennsylvania and New York would be necessary before the contemplated consolidation could be effected, so that the property now held by the one could legally and safely be transferred to the other. As instructed by counsel, your Committee cannot see any mode in which this General Assembly itself, without further legislation, can create such a consolidated Board, or will be competent in law to execute the trusts imposed on the existing corporate bodies in wills or other writings heretofore executed.

As necessary steps to the obtaining of such necessary legislation as is suited to the case, your Committee report the following recommendations, to wit:

1. That this Assembly should designate the locality in which the chief operations of the new Board shall be carried on, and in which the principal office for that purpose shall be located.

2. That a Committee be appointed by this Assembly, whose duty it shall be to endeavor to procure all the legislation required by the exigencies of the case, and direct the transfer of property now held by the two bodies above described, on receiving the opinion of competent counsel that the authority of the new body is perfect.

3. Meantime, till such a result has been reached, that both of the existing organizations should be kept up in the form required by their respective charters.—1870, p. 54.

The following places were then named for the location of the Board of Home Missions, viz., Philadelphia and New York; whereupon the roll was called, and New York was chosen, by a vote of 306 for New York, and 153 for Philadelphia.—*Ib.*, p. 55.

The action of the Assembly adopting the report of the Joint Committee on Home Missions was reconsidered, and the number of members of the Board changed from twenty (20) to fifteen (15), and the number of Corresponding Secretaries from one (1) to (2).

The Rev. Henry Kendall, D.D., and the Rev. Cyrus Dickson, D.D., were by acclamation elected Corresponding Secretaries, and Mr. Samuel D. Powel, Treasurer, of the Board of Home Missions, it being expressly understood that this was not to be considered as a precedent by any future Assembly.—1870, p. 100.

3. The act of incorporation.

An Act to incorporate the Board of Home Missions of the Presbyterian Church in the United States of America, and to enable the Presbyterian Board of Home Missions, formerly the Presbyterian Committee of Home Missions, to transfer its property to said new corporation, and to vest in such new corporation the corporate rights, franchises and privileges of the former body, and also to enable said new corporation to accept a transfer of the property of the trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America, and to become the legal successor of the said last-mentioned corporation. —Passed April 19, 1872.

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. George L. Prentiss, Thomas S. Hastings, William M. Paxton, William C. Roberts, I. F. Stearns, Henry J. Van Dyke, James O. Murray, Edward A. Lambert, Jacob D. Vermilye, George W. Lane, Thomas C. M. Paton, Joseph F. Joy, Robert L. Kennedy, George R. Lockwood, John Taylor Johnston (designated for this purpose by the General Assembly of the Presbyterian Church in the United States of America, which met in Chicago, in the State of Illinois, in May, eighteen hundred and seventy-one, and which is the legal successor of the two religious bodies theretofore existing under that same name), and their successors in office, chosen from time to time by the said General Assembly, are hereby constituted a body politic and corporate by the name of the Board of Home Missions of the Presbyterian Church in the United States of America; the object of which shall be to assist in sustaining the preaching of the Gospel in feeble churches and congregations in connection with the Presbyterian Church in the United States, and generally to superintend the whole work of Home Missions in behalf of said Church, as the General Assembly may from time to time direct; also, to receive, take charge of, and disburse all property and funds which at any time and from time to time may be intrusted to said Church or said Board for Home Missionary purposes.

Sec. 2. The said corporation shall possess the general powers, and be subject to the provisions contained in title three of chapter eighteen of the first part of the Revised Statutes, so far as the same are applicable and have not been repealed or modified.

Sec. 3. The management and disposition of the affairs and property of said corporation shall be vested in the persons named in the first section of this

Act, and their successors in office who shall remain in office for such period, and be removed and succeeded by others chosen at such time and in such manner as the said General Assembly of the Presbyterian Church in the United States of America shall from time to time direct and appoint.

SEC. 4. The said corporation shall be in law capable of taking, receiving and holding any real or personal estate which has been or may hereafter be given, devised or bequeathed to it or to the said Church for the purposes aforesaid, or which may accrue from the use of the same; subject, however, to all the provisions of law relating to devises and bequests, by last will and testament; but the said corporation shall not take and hold real and personal estate, the annual rental or income of which shall exceed the sum of two hundred thousand dollars.

SEC. 5. The Presbyterian Committee of Home Missions incorporated under the laws of this State by an Act passed on the eighteenth day of April, eighteen hundred and sixty-two, the name of which was changed to that of the Presbyterian Board of Home Missions, by an Act passed on the twentieth of January, eighteen hundred and seventy-one, are hereby authorized to assign, transfer, convey and deliver unto the corporation created by this Act, all the property, estate and rights of any and every description now held or enjoyed by them, and which may hereinafter be received by them by virtue of any grant, gift, bequest or devise or otherwise howsoever, which assignment, transfer, conveyance and delivery, the corporation established by this Act is hereby authorized and empowered to accept and receive; and the said corporation, hereby created, shall be and is hereby declared to be the legal successor of the said Presbyterian Board of Home Missions, formerly the Committee of Home Missions, and shall have, hold, use and enjoy all the corporate powers, franchises and privileges of the said corporation last named, and all the property, estates and rights so assigned, transferred, conveyed, and delivered in the same manner and to the same extent as the said corporation last named might have done, and shall be entitled to receive, sue for and recover all legacies, devises, bequests and property which have heretofore been or may hereafter be made or given to the said corporation last named; *Provided, however*, and it is hereby expressly declared, that the said corporation created by this Act, shall receive and hold the said property, estates and rights upon the same trusts and for the same purposes, only as the same are or otherwise would be held by the said Presbyterian Board of Home Missions, formerly the Presbyterian Committee of Home Missions.

SEC. 6. Whenever the requisite power shall be given by the proper authority of the State of Pennsylvania to the trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America, a corporation created and established and now existing under the laws of the said State of Pennsylvania, to assign, transfer, convey and deliver unto the corporation created by this Act, all the property, estate, and rights of any and every description, held or enjoyed, or which may be hereafter held or enjoyed, by the said corporation first named in this section by virtue of any gift, grant, bequest or devise, or otherwise howsoever, then the said corporation hereby created is hereby authorized to accept and receive the assignment, transfer, conveyance and delivery aforesaid, and shall be and is hereby declared to be the legal successor of the said trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America, and shall have, hold, use and enjoy all the corporate powers, franchises and privileges of the said corporation last named, and all the property, estates and rights which may be so assigned, transferred, conveyed and delivered in the same manner and to the same extent as the said corporation last named might have done, and shall be entitled to receive, sue for and recover all legacies, devises, bequests and property which have heretofore been or may hereafter be made or given to the said corporation last named: *Provided, however*, and it is hereby expressly declared that the said corporation created by this Act shall receive and hold the said property, estates and rights upon the same trusts and for the same uses and purposes only as the same are or otherwise would be held by the said trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America heretofore created by virtue of the laws of the State of Pennsylvania; and it is hereby further provided and declared, that all the grants, conveyances, devises and bequests, which, after the several assignments, transfers and con-

veyances hereinbefore authorized to be made to the corporation created by this Act, shall have been made and completed as hereinbefore directed, shall be made or which shall purport to be made to the Presbyterian Committee of Home Missions, or to the trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church hereinbefore named, shall be deemed and taken to be made to the corporation hereby created with the same effect as if made to such new corporation hereby created.

SEC. 7. This Act shall take effect immediately.—Chapter 287, Laws of 1872, N. Y.

4. First amendment of the act of incorporation.

An Act to amend chapter two hundred and eighty-seven of the laws of eighteen hundred and seventy-two, entitled "An Act to incorporate the Board of Home Missions of the Presbyterian Church in the United States of America," and to enable the Presbyterian Board of Home Missions, formerly the Presbyterian Committee of Home Missions, to transfer its property to said new corporation, and to vest in such new corporation the corporate rights, franchises and privileges of the former body, and also to enable said new corporation to accept a transfer of the property of the trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America, and to become the legal successor of the said last-mentioned corporation.—Passed, May 8, 1880: three-fifths being present.

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter two hundred and eighty-seven of the laws of eighteen hundred and seventy-two, entitled "An Act to incorporate the Board of Home Missions of the Presbyterian Church in the United States of America, and to enable the Presbyterian Board of Home Missions, formerly the Presbyterian Committee of Home Missions, to transfer its property to said new corporation, and to vest in such new corporation the corporate rights, franchises and privileges of the former body, and also to enable said new corporation to accept a transfer of the property of the trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America, and to become the legal successor of the said last-mentioned corporation," is hereby amended so as to read as follows:

SEC. 4. The said corporation shall be in law capable of taking, receiving, holding and conveying, or otherwise disposing of any real or personal estate which has been, or may hereafter be given, devised or bequeathed to it, or to the said Church, for the purpose aforesaid, or which may accrue from the use of the same; subject, however, to the provisions of chapter three hundred and sixty of the laws of eighteen hundred and sixty, entitled "An Act relating to wills;" but said corporation shall not hold real or personal estate, the annual rental or income of which shall exceed the sum of two hundred thousand dollars.—Chapter 227, Laws of 1880, N. Y.

5. Second amendment of the act of incorporation.

An Act to amend section three of chapter two hundred and eighty-seven of the laws of eighteen hundred and seventy-two, entitled "An Act to incorporate the Board of Home Missions of the Presbyterian Church in the United States of America, and to enable the Presbyterian Board of Home Missions, formerly the Presbyterian Committee of Home Missions, to transfer its property to said new corporation, and to vest in such new corporation the corporate rights, franchises and privileges of the former body, and also to enable said new corporation to accept a transfer of the property of the trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America, and to become the legal successor of the said last-mentioned corporation."—Approved by the Governor, April 18, 1892. Passed: three-fifths being present.

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter two hundred and eighty-seven of the laws of eighteen hundred and seventy-two, entitled, "An Act to incorporate the Board of Home Missions of the Presbyterian Church in the United States

of America, and to enable the Presbyterian Board of Home Missions, formerly the Presbyterian Committee of Home Missions, to transfer its property to said new corporation, and to vest in such new corporation the corporate rights, franchises and privileges of the former body, and also to enable said new corporation to accept a transfer of the property of the trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America, and to become the legal successor of the said last-mentioned corporation," is hereby amended to read as follows:

SEC. 3. The management and disposition of the affairs and property of such corporation shall be vested in fifteen trustees who shall be appointed from time to time by the General Assembly of the Presbyterian Church in the United States of America, for such terms as the Assembly may determine. But the number of such trustees may be increased or decreased at any time by the said General Assembly, and in case of an increase the additional trustees shall be appointed by such General Assembly of the Presbyterian Church in the United States of America; *Provided, however*, That the members of the Board, as at present constituted, shall continue to hold office until their successors have been appointed by the General Assembly.

SEC. 2. This Act shall take effect immediately.—Chapter 335, Laws of 1892.

6. Pennsylvania act authorizing transfer of property.

An Act to authorize the trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America to transfer the property held by them to the Board of Home Missions of the Presbyterian Church in the United States of America, and to declare the latter corporation to be the legal successor of the former.

Whereas, The two religious bodies heretofore existing, each under the name of the General Assembly of the Presbyterian Church in the United States of America, having united the congregations under their care, and the General Assembly of the Church thus united which met in Philadelphia on the nineteenth day of May, eighteen hundred and seventy, and which is the legal successor of both the former bodies, has directed that the home missionary work previously carried on under the direction of the said two bodies shall be hereafter carried on under its direction by one Board; and

Whereas, The Legislature of the State of New York has for the purpose aforesaid incorporated the Board of Home Missions of the Presbyterian Church in the United States of America; therefore

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, that the trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America be and they are hereby authorized to grant, assign, transfer, convey and deliver all property, estates and rights, real, personal and mixed, of every kind and description, now held or enjoyed by them, and which may hereafter be received, held or enjoyed by them, in any manner whatsoever, unto the said the Board of Home Missions of the Presbyterian Church in the United States of America, which corporation is hereby declared to be the legal successor of the said the Trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America; and shall have, hold, use and enjoy all the corporate powers, franchises and privileges of the said corporation last named, and all the property, estates and rights which shall be so granted, assigned, transferred, conveyed and delivered in the same manner and to the same extent as the said corporation last named might have done (including the power to convey, assign and transfer the same), and shall be entitled to receive, sue for and recover all legacies, devises, bequests and property which have heretofore been or may hereafter be made, given or granted to the said corporation last named; *Provided, however*, and it is hereby expressly declared, that the said the Board of Home Missions of the Presbyterian Church in the United States of America shall receive and hold the said property and estates, or the proceeds thereof, if sold, upon the same trusts and for the same uses and purposes only, as the same are or otherwise would be held by the said trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America; and it is hereby further provided and declared that all grants, conveyances, devises

and bequests which shall be made, or purport to be made, to the said corporation last named shall be deemed and taken to be made to the said the Board of Home Missions of the Presbyterian Church in the United States of America with the same effect as if made directly thereto.

W. ELLIOTT,
Speaker of the House of Representatives.
GEO. H. ANDERSON,
Speaker of the Senate.

Approved the twenty-ninth day of January, Anno Domini one thousand eight hundred and seventy-three.

J. F. HARTRANFT.

OFFICE OF THE SECRETARY OF THE COMMONWEALTH,
HARRISBURG, February 7, A.D. 1873.

PENNSYLVANIA, *ss.*

L.S. *I do hereby certify,* That the foregoing and annexed is a full, true and correct copy of the original Act of the General Assembly, entitled "An Act to authorize the Trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America to transfer the property held by them to the Board of Home Missions of the Presbyterian Church in the United States of America, and to declare the latter corporation to be the legal successors of the former," as the same remains on file in this office.

In testimony whereof, I have hereunto set my hand and caused the seal of the Secretary's office to be affixed the day and year above written.

M. S. QUAY, *Secretary of the Commonwealth.*

7. Principles and rules for the work of Home Missions.

1. Within the bounds of a Presbytery the work of the Board of Home Missions should be carried on in harmony with the Presbytery, according to the principles and rules hereinafter stated; but a discretion should be allowed to the Board in outlying districts, where direct Presbyterial control is difficult or impracticable.

2. The Board should not, in ordinary cases, decline to grant an appropriation recommended by a Presbytery, unless, in its judgment, after viewing the whole field to be supplied, it shall appear that the funds at its disposal are all needed for more deserving or more promising work; and whether it does thus appear must be determined by the Board. But in all questions touching the organization of churches or the character of ministers, the Board, in case of difference between itself and the Presbytery, should abide by the final judgment of the Presbytery.

3. The formal issuing of commissions should be discontinued, and in lieu thereof the Board shall issue to the missionary an agreement for the amount to be paid to him.

4. Synodical missionaries should hold to the Board the same relation as other missionaries whose support is provided, in whole or in part, by the Board, and their work shall be conducted in harmony with the interests of the Synod and of the Board.

5. No church shall be organized by a missionary within the limits of any Presbytery, unless authority has previously been obtained from the Presbytery.

6. Each Synod shall appoint a Home Missionary Committee, to consist of the chairmen of the Presbyterial Committees within its bounds. The Committee shall meet annually, near or during the meeting of the Synod. It shall be the duty of the Committee to ascertain, as nearly as possible, the whole number of churches and missionary fields needing aid within the bounds of the Synod, and, as nearly as possible, equalize the salaries

of missionaries in the Presbyteries. They shall ascertain the amount it will be fair to expect for the work of home missionaries from the churches of the Synod, and, as nearly as possible, determine the amount of aid that will likely be asked for the support of missionary work within the bounds of the Synod. The Committee shall confer, when practicable, with the representatives of the Board. These Synodical Committees shall, as soon as possible after the meetings of the Synod, report to the Board the necessities of the fields, and the probable amount of money required, together with the probable contributions from the Synods to the Board. The reports of these Synodical Committees shall be sent every year to the Assembly, and be referred, either to a Special Committee, or to the Standing Committee of the Assembly on Home Missions. The Committee, after considering the wants of the whole field, as they shall be set forth in the reports from the various Synods, shall make their report to the Assembly, with such recommendations as the exigencies of the work may seem, in their judgment, to require.—1883, pp. 643, 644.

8. The school work: Woman's Executive Committee, or Board of Home Missions.

a. The organization of our Christian women in several of our large cities, with auxiliaries in a large number of the churches, in behalf of Foreign Missions, has infused new life into the work for the heathen, and has brought large increase to the resources of that excellent Board, without diminution of other contributions. To some extent, such societies have also helped forward the cause of Home Missions, both in money and in sending boxes of clothing to the families of missionaries. Memorials have reached the Committee from different parts of the Church, asking for some more effective plan of woman's work for the evangelization of our own land. We beg leave to suggest that the Assembly now recommend the organization of a Woman's Home Missionary Society, with auxiliary societies, under the advice and counsel of the Board of Home Missions, or its officers. And, further, that the formation of distinct auxiliary societies be recommended, in those churches in which this course may be deemed expedient, and that in those in which one society only—embracing, if possible, all the ladies in the church—may seem best, the disposition of its funds be left to the determination of every such society for itself. Such recommendation, without restricting the liberty of the women of each congregation, will express the clear judgment of the Assembly, that home evangelization and the conversion of the heathen are one and the same work of the Lord. In the distinction and the blending this is but following the Master, who said, "But ye shall receive power after that the Holy Ghost is come upon you; and ye shall be witnesses unto me both in Jerusalem, and in all Judea and in Samaria, and unto the uttermost parts of the earth." Adopted.—1875, p. 489; 1878, p. 110.

b. The report of the Board, and also the overtures from the Presbyteries of Utah and Colorado, present for the consideration of the Assembly a subject which, so far as the work of this Board is concerned, is entirely new, viz., the establishment of schools as distinct from, and in advance of, the establishment of churches, and, consequently, the employment and commissioning of teachers as distinct from ministers of the Gospel. The report and the overtures inform us that such schools are

already in operation through the use of funds specially contributed for the purpose, and the Assembly are asked to "authorize or advise, or at least approve, this new department of labor."

In the progress of Home Mission work an emergency has arisen, calling for a change of action on the part of the Board in the peculiar states of society in the Territories of Utah and New Mexico, and in a limited degree in the work already carried on among the Indians.

The Home Board is the only one that does, or is likely to do, anything in either of the Territories mentioned. The work is peculiar, arising from the utter absence of anything like a true Christian population to which the work of Home Missions can at first come.

In these Territories, we must begin at the very bottom; and it is found practically necessary, in order to success, to have schools under direct conduct of the missionaries. Such schools care not for secular instruction alone, but for religious instruction in connection with direct Gospel instruction. These schools should not be left uncontrolled; and it seems eminently desirable that the Board should control them. We would recommend, then, that the Board be allowed to sustain such schools by the payment of the teachers needed; such teachers to be recommended by the Presbyteries in which they are, and commissioned by the Board. It is expected that the funds for such schools will be raised by ladies mainly. Adopted.—1877, p. 513.

We call the attention of the Assembly to the fact that, according to their advice, a "Woman's Executive Committee of Home Missions of the Presbyterian Church" has been formed, having its office and treasurer in New York.—1879, p. 594.

[NOTE.—See Report of Board of Home Missions, 1879, pp. 678, 679; 1881, p. 531; 1882, p. 38; 1883, p. 603; and annually thereafter; 1896, p. 50; 1897, p. 45. Known now as the Woman's Board of Home Missions.]

The Sustentation Scheme.

[NOTE.—In 1871, *Minutes*, pp. 556–564, the Special Committee appointed in 1870 presented a scheme of sustentation which was adopted. For the scheme and its modifications and amendments see Moore's *Digest*, 1886, pp. 452–455 and 564–566. In 1894 the Assembly:]

Resolved, That the Board of Home Missions be authorized to use yearly the surplus fund which may hereafter come into the treasury to the credit of the old Sustentation Scheme for the general work of Home Missions; that the Sustentation column in the *Minutes* of the General Assembly be abolished, and that the gifts to Sustentation be included in the Home Mission column.—1894, p. 137.

II. THE BOARD OF FOREIGN MISSIONS.

1. History.

The work of Foreign as well as of Home Missions was under the care of "The Board of Missions" until 1837, when it was

Resolved, That the General Assembly will superintend and conduct, by its own proper authority, the work of Foreign Missions of the Presbyterian Church, by a Board appointed for that purpose and directly amenable to said Assembly.

[NOTE.—See for the Constitution of the Board of Foreign Missions as then adopted, *Digest*, 1886, pp. 430, 431.

A very full account of the various steps taken by the Church in the interests of Foreign Missions will be found in Baird's *Digest*, 1855, pp. 363–374.

The New School Assembly coöperated with the American Board of Commissioners for Foreign Missions up to the time of the reunion in 1870.

In 1854 a Standing Committee was appointed, which was incorporated by the Legislature of Pennsylvania, April, 1865, under the title of "The Permanent Committee on Foreign Missions of the General Assembly of the Presbyterian Church in the United States of America."

See for this Charter, *Digest*, 1886, pp. 432, 433. Upon the reunion the Assembly adopted the following:]

2. The organization of the Board of Foreign Missions.

The Board of Foreign Missions shall hereafter consist of fifteen members besides the Corresponding Secretaries and the Treasurer, who shall be members *ex-officio*.

The term of service of the present members of the Board, the Executive Committee and the Permanent Committee shall end with the first meeting of the Executive Committee after the dissolution of the General Assembly, when a new Board shall be constituted.

This Assembly will select fifteen members of the Board in three classes of five each. The first shall serve three years, the second class two years and the third class one year.

Each subsequent General Assembly shall elect five members of the Board to hold office for three years, and shall fill any vacancies in either of the other classes for the unexpired term of service.

Any five members of the Board shall form a quorum.

One of the *ex-officio* members, to be designated by the Board, shall be entitled to a seat in the General Assembly as a corresponding member on all subjects relating to Foreign Missions.

Besides the duties already committed to their charge the Board shall perform the duties heretofore assigned to the Executive Committee of the Board and to the Permanent Committee on Foreign Missions, in so far as these have not been superseded or modified by this minute.—1870, p. 46.

3. Alterations necessitated by legislation.

The Committee further report that on the 12th of March, 1872, the following Act was passed by the New York Legislature in relation to trustees and directors of charitable and benevolent institutions:

SECTION 1. No trustee or director of any charitable or benevolent institution organized either under the laws of the State or by virtue of a special charter, shall receive, directly or indirectly, any salary or emolument from said institution, nor shall any salary or compensation whatever be voted or allowed by the trustees or directors of any institution organized for charitable or benevolent purposes to any trustee or director of said institution for services either as trustee or director or in any other capacity.

In view of the above Act, the Committee recommend the adoption of the following resolution:

In view of the Act of the Legislature of New York concerning charitable and benevolent institutions, passed March 12, 1872, that the Constitution of the Board of Foreign Missions be so changed that the executive officers shall hereafter be consulting members only, without the right to vote, but having the right to propose resolutions and discuss all matters before that body; and further, that the quorum necessary to transact business be reduced to four.—1872, p. 42.

4. Charter of the Board of Foreign Missions.

An Act to incorporate the Board of Foreign Missions of the Presbyterian Church in the United States of America.—Passed April 12, 1862. Chapter 187.

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Walter Lowrie, Gardiner Spring, William W. Phillips, George

Potts, William Bannard, John D. Wells, Nathan L. Rice, Robert L. Stuart, Lebbeus B. Ward, Robert Carter, John C. Lowrie, citizens of the State of New York, and such others as they may associate with themselves, are hereby constituted a body corporate and politic for ever, by the name of the Board of Foreign Missions of the Presbyterian Church in the United States of America, for the purpose of establishing and conducting Christian missions among the unevangelized or pagan nations and the general diffusion of Christianity; and by that name they and their successors and associates shall be capable of taking by purchase, grant, devise or otherwise, holding, conveying or otherwise disposing of any real or personal estate for the purposes of the said corporation, but which estate within this State shall not at any time exceed the annual income of twenty thousand dollars.

SEC. 2. The said corporation shall possess the general powers, rights and privileges, and be subject to liabilities and provisions, contained in the eighteenth chapter of the first part of the revised statutes so far as the same are applicable, and also subject to the provisions of chapter three hundred and sixty of the laws of eighteen hundred and sixty.

SEC. 3. This Act shall take effect immediately.

5. Amendment of the Charter.

An Act to amend chapter one hundred and eighty-seven of the laws of eighteen hundred and sixty-two, entitled "An Act to incorporate the Board of Foreign Missions of the Presbyterian Church in the United States of America," and to regulate the number of trustees.—Became a law, April 19, 1894, with the approval of the Governor. Passed: three-fifths being present.

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter one hundred and eighty-seven of the laws of eighteen hundred and sixty-two, entitled "An Act to incorporate the Board of Foreign Missions of the Presbyterian Church in the United States of America," is hereby amended to read as follows:

SEC. 3. "The management and disposition of the affairs and property of the said Board of Foreign Missions of the Presbyterian Church in the United States of America shall be vested in twenty-one trustees, who shall be appointed from time to time by the General Assembly of the Presbyterian Church in the United States of America for such terms as the Assembly may determine. But the number of such trustees may be increased or decreased at any time by the said General Assembly, and in case of an increase the additional trustees shall be appointed by such General Assembly of the Presbyterian Church in the United States of America; *Provided, however,* That the members of the Board, as at present constituted, shall continue to hold office until their successors have been appointed by the General Assembly. Not less than eleven members of the Board shall constitute a quorum for the purpose of electing officers, making by-laws, or for holding any special meeting; but for all other purposes, and at stated meetings, five shall be a quorum."

SEC. 2. This Act shall take effect immediately.—Laws of 1894, Chapter 326.

[NOTE.—See *Minutes*, 1894, pp. 73, 74.]

III. THE BOARD OF EDUCATION.

1. History.

[NOTE.—For a full history of the early efforts of the Presbyterian Church to enlarge her ministry by aiding pious youth needing assistance, see Baird's *Digest*, revised edition, pp. 388–401. In 1819 the Assembly resolved to establish a General Board of Education.—*Minutes*, 1819, p. 712.

For the constitution of the Board and its charter obtained in 1841, and amended in 1852, see Moore's *Digest*, 1886, pp. 353–355.

With such amendments as experience showed to be necessary, the Assembly, O. S., conducted its work of education for the ministry from 1838 to the reunion. For various amendments of the plan, see Baird, as above, pp. 401–412.

From 1838 to 1854 the N. S. branch coöperated chiefly with the American Education Society or its branches. In 1854 the "Permanent Committee of Education for the Ministry" was established.—*Minutes*, 1854, pp. 506, 507. By the Assembly of 1856 the plan was more fully matured, pp. 222–224; see also 1857, pp. 388–392. A charter

obtained from the Legislature of New York, April 17, 1858, was accepted and approved by the Assembly.—1858, pp. 597, 598.

For the charter of the "Permanent Committee on Education for the Ministry," see Moore's *Digest*, 1886, pp. 355, 356.]

2. The Board of Education of the reunited Church.

The Joint Committee appointed by the General Assembly of the Presbyterian Church to adjust the affairs of the "Board of Education," and of the "Permanent Committee on Education," so as to adapt them to the new condition of things in the now united Church, met, according to the call of the chairmen of the respective Committees, in the rooms of the Board of Education in Philadelphia, February 9, and also again at an adjourned meeting May 18, and after mature consideration they have agreed upon and recommend the following Constitution for adoption by the General Assembly:

3. Constitution of the Board of Education.

Article I.

Title.—There shall be a Board of Education under the corporate title of "The Board of Education of the Presbyterian Church in the United States of America."

Article II.

Objects.—The Board of Education shall be the organ of the General Assembly of the Church for the general superintendence of the Church's work in furnishing a pious, educated and efficient ministry, in sufficient numbers to meet the calls of its congregations, to supply the wants of the destitute classes and regions in our own country, and to go into all the world and preach the Gospel to every creature. It shall provide for the collection and judicious distribution of the funds which may be requisite in the proper education of candidates for the ministry under its care, and it shall, in coöperation with the ecclesiastical courts, do whatever may be proper and necessary to develop an active interest in education throughout the Church.

Article III.

Members.—The General Assembly shall elect the members of the Board. The Board shall consist of twelve members * (besides those who shall be members *ex-officio*), of whom six shall be ministers and six laymen of the Presbyterian Church. The members shall be divided into three equal classes, consisting of two ministers and two laymen each, to serve respectively for the terms of one, two and three years. At any meeting of the Board, regularly convened, five members shall constitute a quorum to transact business. The Board shall also have power to fill any vacancy by resignation, death or otherwise until the next meeting of the General Assembly.

Article IV.

Officers.—SECTION 1. The Board shall elect its officers annually by ballot. They shall consist of a President, Vice-President, Corresponding Secretary and Treasurer. The Corresponding Secretary and Treasurer shall be *ex-officio* members of the Board. All other officers must be members of the Board at the time of their election. The Board shall have

* Increased by the addition of one minister and one elder to each class, making the Board to consist of eighteen members instead of twelve.—1876, p. 25.

power at any of its regular meetings, to fill vacancies which may have occurred in any of the above offices by death, resignation or otherwise, when due notice of such election shall be given.

SEC. 2. The Corresponding Secretary shall be the executive officer of the Board. He shall take charge of the office, conduct the correspondence and superintend the publications of the Board, prepare the regular business for its meetings, and always be considered as its official organ. He shall, as far as he can, visit the Synods and Presbyteries, for the purpose of awakening their interest and concentrating their energies in this work, visit the students aided by the Board, and exercise a general supervision over them, employ the means necessary to bring to the attention of young men the claims and ends of the ministry, and discharge such other duties as may be assigned to him from time to time by the Board, in furtherance of the general object of education for the ministry. He shall also have authority to employ such assistance as in the judgment of the Board may be deemed necessary.

SEC. 3. The Treasurer shall have charge of all the funds of the Board, and shall disburse the same under its direction. He shall keep a complete register of the students under the care of the Board, and an account with them individually. He shall give bonds for the proper discharge of his duties.

Article V.

Functions.—SECTION 1. The Board shall act through the Presbyteries of the Church. Candidates for the ministry, when properly examined and received by the Presbyteries and recommended for aid to the Board, shall receive the amount specified within the limits prescribed by the Assembly, provided in all cases that a discretionary power, necessary to the general trust committed, shall be exercised by the Board, and the Board shall require that each recommendation shall be accompanied with such information as may be necessary to the intelligent and judicious performance of its duties.

SEC. 2. It shall exercise a general supervisory care over the students, through annual renewals of recommendations from Presbyteries and quarterly reports from instructors, through the correspondence of its Secretary and his personal visits to literary and theological institutions and the judicatories of the Church, and by other appropriate instrumentalities.

SEC. 3. It shall take all suitable means to inform the Church as to the duties and interests relating to the consecration of her young men to the office of the ministry and their sound and thorough education, and to urge the effective care of her judicatories over them, and it shall make such statements and appeals as are calculated to secure contributions sufficient for the accomplishment of its ends. It shall make a full annual report of its work to the General Assembly.

Article VI.

Relation of the Presbyteries to the Board.—It shall be the duty of each Presbytery to see that collections are taken up annually for this cause in all the churches under its care; to make the increase of candidates for the ministry a topic of serious consideration in its meetings, at least once a year; to appoint a Standing Committee to act for the Presbytery in all matters pertaining to this cause when it is not in session; to

recommend to the Board proper cases for its aid, and to make an annual report of the transactions of the Presbytery on the whole subject to the Board, previous to the meeting of the General Assembly.

Article VII.

Duties of Synods.—It shall be the duty of the Synods to call up this subject annually, to inquire what the Presbyteries and churches under their care are doing in relation to it, and to adopt such measures as shall promote the interests of this department of Christian work.

Article VIII.

By-Laws.—The Board shall have power to make for itself all necessary by-laws, not inconsistent with this Constitution, subject to the approval of the General Assembly.

The Joint Committee present also for the consideration of the General Assembly the following resolutions:

1. That the Secretary shall have the privilege of a corresponding member of the General Assembly in the discussion of all matters pertaining to the work of education.

2. That the Board of Education shall be located in the city of Philadelphia, Pa.

3. It is recommended to the General Assembly to instruct the Board of Education to take such legal steps as are necessary to secure to it the present property of the Board of Education located at Philadelphia, and of the Permanent Committee located at New York, so that this property, and any funds with which either is or may be entrusted, or which may hereafter be received by bequest or otherwise for purposes of ministerial education, shall be managed by one and the same Board and its successors, as trustees thereof, and that said Board have authority to apply for and obtain a charter of incorporation or such modification of the existing charter as they may deem proper. It is further recommended that the organizations of the "Permanent Committee on Education" and the "Board of Education" be continued, so far as may be necessary for the purpose of holding and transferring to the Board of Education, as arranged by the present General Assembly, such funds and trusts as may have been or shall be committed to them. Adopted.—1870, pp. 81–84.

4. Act of incorporation of the Board of Education.

Legislature of Pennsylvania.

An Act to incorporate The Board of Education of the Presbyterian Church in the United States of America, and to make them the successors of The Trustees of the Board of Education of the Presbyterian Church in the United States of America, and of The Permanent Committee on Education for the Ministry of the General Assembly of the Presbyterian Church in the United States of America.

Whereas, The two religious bodies heretofore existing, each under the name of the General Assembly of the Presbyterian Church in the United States of America, have united the congregations under their care, and the General Assembly of the Church thus united, which met in Philadelphia on the nineteenth day of May, Anno Domini one thousand eight hundred and seventy, and which is the legal successor of both the former bodies, has directed that the work of assisting pious young men in their education for the ministry of the said Church shall be hereafter carried on under its direction by one Board, the location of which has been fixed in the city of Philadelphia; therefore,

SECTION 1. Be it enacted by the Senate and House of Representatives of the

Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by authority of the same: That Herrick Johnson, Elias R. Beadle, Thomas J. Shepherd, Benjamin L. Agnew, Peter Stryker, Alexander Reed, Morris Patterson, Samuel Field, Benjamin B. Comegys, Henry D. Gregory, Benjamin Kendall and James F. Gayley, who were elected at the said meeting of the said General Assembly in May, Anno Domini one thousand eight hundred and seventy, as The Board of Education of the said Church, and their successors, are hereby constituted and declared to be a body politic and corporate, which shall henceforth be known by the name of The Board of Education of the Presbyterian Church in the United States of America, and as such shall have perpetual succession, and be able to sue and be sued in all the courts of record and elsewhere, and to purchase and receive, take and hold, to them and their successors for ever, lands, tenements, hereditaments, money, goods and chattels and all kinds of estates which may be devised, bequeathed, conveyed or given to them, and the same to sell, alien, demise and convey; and also to make a common seal and the same to alter and renew at their pleasure; and also to make such rules, by-laws and ordinances as may be needful for the government of the said corporation, and not inconsistent with the Constitution and laws of the United States and of this State; *Provided always*, That the clear yearly value of the real and personal estate held by the said corporation shall not at any time exceed the sum of twenty thousand dollars.

SEC. 2. The corporators above named shall hold their office until their successors are duly qualified to take their places, who shall be chosen by the said The General Assembly of the Presbyterian Church in the United States of America, at such time and in such a manner as it shall direct; *Provided*, Not more than one-third of the said Board shall be removed in any one year.

SEC. 3. The Board hereby incorporated and their successors shall, subject to the direction of the said General Assembly of the Presbyterian Church in the United States of America, have full power to manage the funds and property committed to their care in such manner as shall be deemed most advantageous, not being contrary to law.

SEC. 4. That the Trustees of the Board of Education of the Presbyterian Church in the United States of America, heretofore incorporated under the laws of this Commonwealth, are hereby authorized to assign, transfer and convey unto the corporation established by this act all the property, estates and rights of any and every description now held or enjoyed, or which may hereafter be held or enjoyed by them, by virtue of any grant, gift, bequest or devise, and the said The Board of Education of the Presbyterian Church in the United States of America hereby established shall be and become the full legal successor of all the corporate rights, franchises and privileges now belonging to the said The Trustees of the Board of Education of the Presbyterian Church in the United States of America, and shall and may hold, use and enjoy all the property, estates and rights assigned, transferred or conveyed, so as aforesaid, in the same manner and to the same extent, but subject to the same limitations and trusts as the said The Trustees of the Board of Education of the Presbyterian Church in the United States of America might have done, and shall be entitled to receive, sue for and recover all legacies or devises which have heretofore been or may hereafter be made to the said The Trustees of the Board of Education of the Presbyterian Church in the United States of America.

SEC. 5. That in case the requisite power shall be given by the proper authority of the State of New York to the said The Permanent Committee on Education for the Ministry of the General Assembly of the Presbyterian Church in the United States of America, a corporation established by the Legislature of the said State of New York, to assign, transfer and convey unto the corporation established by this act all the property, estates and rights, of any and every description, now held or enjoyed, or which may hereafter be held or enjoyed, by them, by virtue of any grant, gift or bequest or devise, and in case the said proper authority of the State of New York shall also give full power to the corporation hereby established, thereupon to be and become the legal successors of all corporate rights, franchises and privileges now belonging to the said The Permanent Committee on Education for the Ministry of the General Assembly of the Presbyterian Church in the United States of America to all intents and purposes, the said corporation hereby established is authorized to accept and receive the assignment, transfer and conveyance

made as aforesaid, and upon such assignment, transfer or conveyance being made, and also upon the granting of power by the proper authority of the State of New York to the corporation hereby established to become the full legal successors as aforesaid of the said The Permanent Committee on Education for the Ministry of the General Assembly of the Presbyterian Church in the United States of America, the Board of Education of the Presbyterian Church in the United States of America hereby established shall be and become the full legal successors of all the corporate rights, franchises and privileges now belonging to the said The Permanent Committee on Education for the Ministry of the General Assembly of the Presbyterian Church in the United States of America, and may and shall hold, use and enjoy all the property, estates and rights assigned, transferred or conveyed so as aforesaid in the same manner and to the same extent, but subject to the same limitations and trusts, as the said The Permanent Committee on Education for the Ministry of the General Assembly of the Presbyterian Church in the United States of America might have done, and shall be entitled to receive, sue for and recover all legacies and devises which have heretofore been or may hereafter be made to the said The Permanent Committee on Education for the Ministry of the Presbyterian Church in the United States of America.

JAMES H. WEBB,
Speaker of the House of Representatives.

WILLIAM H. WALLACE,
Speaker of the Senate.

Approved the twelfth day of May, one thousand eight hundred and seventy-one.

JOHN W. GEARY, *Governor.*

5. Act authorizing the transfer of property of the Permanent Committee on Education to the Board of Education.

Legislature of New York.

An Act to enable "The Permanent Committee on Education for the Ministry of the General Assembly of the Presbyterian Church in the United States of America" to transfer its property to the new Board created by the General Assembly, when the same shall have been incorporated, and to vest in such new incorporation the rights, franchises and privileges of the former body.

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The said "Permanent Committee on Education for the Ministry of the General Assembly in the United States of America" are hereby authorized and empowered to assign, transfer and convey to the said The Board of Education of the Presbyterian Church in the United States of America, whenever the same shall have become duly incorporated, all the property, estates and rights of any and every description now held or enjoyed, or which may hereafter be held or enjoyed, by them, by virtue of any grant, gift, bequest or devise, and the said The Board of Education of the Presbyterian Church in the United States of America, whenever the same shall have become duly incorporated as aforesaid, shall thereupon be and become the full legal successors of all the corporate rights, franchises and privileges now belonging to the said "The Permanent Committee on Education for the Ministry of the General Assembly of the Presbyterian Church in the United States of America."

SEC. 2. This Act shall take effect whenever the several persons elected at the meeting of the General Assembly of the Presbyterian Church, in May, eighteen hundred and seventy, as the Board of Education, shall have been duly incorporated.

Approved the twentieth day of April, Anno Domini one thousand eight hundred and seventy-one.

JOHN T. HOFFMAN, *Governor.*

STATE OF NEW YORK,
OFFICE OF THE SECRETARY OF STATE, } ss.

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom, and of the whole of said original law.

Given under my hand and seal of office at the city of Albany, this eighth day of May, in the year one thousand eight hundred and seventy-one.

L.S.

D. WILLERS, JR., *Deputy Secretary of State.*

6. Rules. Candidates for the ministry.

(*1*) *Dependence of the Board of Education upon the Presbyteries of the Church.*

1. The Board of Education shall receive and aid candidates for the ministry of the Gospel only upon the recommendation of a Presbytery of the Church; and the Presbytery is responsible for their examination, subsequent care, and the designation of the annual amount of aid to be granted to them, within the limits set by the General Assembly.

2. The Board will in each case look especially to the Education Committee of the Presbytery for filling out and forwarding the form of recommendation required for the reception of a candidate, and also for the pastoral care of the same, until his entrance upon his official duties.

3. As a general rule, the Board will receive any young man of whose examination and recommendation in conformity with its requirements proper notification has been given; but it shall be at liberty to refuse new candidates beyond its ability to support them; and it will not give aid to students from the foreign missionary field unless they have been recommended by our foreign missionaries abroad, or have come to study in this country by a special invitation given from this Board upon the request of other duly recognized Church authorities, or of missionaries resident on the fields from which they come.

(*2*) *Reception of candidates.*

1. The encouragement of a young man to enter the Gospel ministry is a matter of serious concern both to himself and to the Church; and it should be given only by those who have proper knowledge of his mental and moral character, accompanied with much counsel and prayer, and directly by a single desire for the glory of God. Every candidate should join that Presbytery to which he would most naturally belong; and he should be introduced to it either by his pastor or by some member of the Education Committee after such acquaintance as will warrant his taking the responsibility of so doing.

2.*The Presbytery, in examining students with a view to their recommendation for aid, must embrace such points as are indicated by the following questions, to which definite answers, by the direction of the Assembly, will invariably be required by the Board: Give name of candidate in full. Age? Residence? Has Presbytery (or the Education Committee in the interim between the meetings of Presbytery) examined him on the following points, and were his answers satisfactory:—Piety? Motives for seeking the ministry? Talents? Health? Promise of practical efficiency? Is he free from expensive and injurious habits? How long has he been a communicant in a Presbyterian church? Give the

* This rule is as altered in 1897. See *Minutes*, 1897, p. 33, § 2.

name of the church. If in an academy, give name of academy and class. If in college, or ready to enter, give name of college and class. If in seminary, or ready to enter, give name of seminary and class. If in a theological seminary, has he pursued a full collegiate course? If so, give the name of the college of which he is a graduate. If not a college graduate, has he had the equivalent of a college course? If so, send a detailed statement of his previous studies and career. Has he been recommended to Presbytery by his church Session? Can he recite the Westminster Shorter Catechism? What is the smallest amount required to meet his really necessary expenses to the end of the fiscal year, viz., April 1? Has he read a copy of the rules? Does he accept the requirements contained in them? At a meeting of the Presbytery of (or of the Education Committee) held at on the day of 18 , the candidate for the ministry named above, having been satisfactorily examined as to the points indicated by the foregoing questions, was recommended to the Board of Education for aid to the amount specified. Signed by Chairman Educational Committee.

3. No candidate shall be received by the Board who has not been a member of the Presbyterian Church, or of some closely related body, for at least one year; who has not been recommended to the Presbytery by the Session of the church of which he is a member; and who is not sufficiently advanced in study to enter college, except in extraordinary cases.

(3) *Scholarships.*

1. The annual scholarships to candidates shall be the same in amount for theological and collegiate students, and not exceed $150; for those in the preparatory course the amount shall not exceed $100.

2. These scholarships shall be paid to a student only on the reception of particular and satisfactory reports from his professors, embracing the following points: Christian character? Scholarship? Rhetorical ability? Punctuality? Economy?

3. The Board may increase or diminish, in a general ratio, the scholarships in case of unusual surplus or deficiency in funds.

4. No payment shall be made in advance. Each payment shall be acknowledged by a receipt signed by the candidate, or by the person authorized by him to receive it. And this receipt shall contain a pledge to return the amount given, with interest, in case he of his own accord turn aside from his ministerial calling.

5. In order to suit the period when the students most need assistance, and when the reports from professors can be most satisfactorily made, the reports shall ordinarily be made on the first days of October, January and April. The payments of a student whose recommendation is made at any time between those days may be expected to commence at the date of it.

6. The Board will in no case be responsible for the debts of students; but it is expected of them that the scholarship shall be first applied to the payment of tuition and boarding.

7. The payments to the candidates shall cease regularly at the close of the collegiate year; or earlier, when the time for which they were recommended by the Presbytery has expired; and also as soon as it is determined that they are suffering from prolonged ill health which may unfit

them for the work of the ministry; or as soon as their private circumstances enable them to dispense with assistance; and if they have been manifestly improvident, or have contracted debts without reasonable prospect of payment, or if they have married since the last payment, or if they have received assistance from any other educational Board or Society, the entire three months' appropriation shall be forfeited.

8. The sums of money appropriated by the Board shall be refunded to it, with interest, in case a student fails to enter on, or continue in, the work of the ministry (unless it appears that he is providentially prevented); or if he ceases to adhere to the Standards of the Presbyterian Church; or if he changes his place of study contrary to the directions of the Presbytery, or continues to prosecute his studies at an institution not approved by it or by the Board; or if he withdraws his connection from the Church of which this Board is the organ, without furnishing a satisfactory reason.

9. A scholarship afforded by the Presbyterian Church, through the Board of Education, is not to be given or regarded as a loan, to be refunded by those who comply with these rules and regularly enter the ministry, but as her cheerful contribution to facilitate and expedite their preparation for it: and they are only obliged by it to a warmer interest in her efforts for the advancement of the Redeemer's kingdom, and especially to the use of the means necessary to instruct and stimulate her members in the duty of multiplying and sending forth preachers of the Gospel of salvation to all the world.

10. While the Church, in providing scholarships for her candidates, makes no specific conditions as to the particular kind of service in the ministry which they will be expected to render upon the completion of their theological training, nor as to the character or situation of the place where they shall labor, nevertheless her judgment is that they ought to cultivate a missionary spirit as Christlike, apostolic and timely; and that it would be highly becoming in them, under all ordinary circumstances, to offer their services at the conclusion of their education, for work in missionary fields; ever remembering the abounding destitution in our own country, as well as in foreign lands; the peculiar fitness of young men for such work; the honor, privilege and advantage pertaining to it; the natural expectations of the Church which has trained them in the hope that they would endure hardness as good soldiers; and, above all, the spirit of the last command of our ascended Lord.

(4) *Care of candidates.*

1. Candidates are required, except in extraordinary cases, and then only with the explicit permission of their Presbyteries, to pursue a thorough course of study, preparatory to that of theology, in institutions that sympathize with the doctrinal teachings of the Presbyterian Church; and, when prepared, to pursue a three years' course of theological studies in some seminary connected with the same Church, and no work of preaching is allowed to interfere with the diligent and faithful prosecution of their prescribed studies until the close.

2. The Board can rely only upon the Education Committee of each Presbytery for the regular care of its own candidates, which should include the constant exercise of a parental oversight over them in spiritual things, and the bestowment of the counsel they need as to their mode of preparation, their place of study, their trials, and the occupation of their

time, while not engaged in study, in employments which will tend to qualify them for effective usefulness as pastors or evangelists.

3. The Board shall assist the Presbytery in its care of candidates, by furnishing annually to the Education Committee, a summary of information from the professors' reports as to the standing of each student; and the Corresponding Secretary shall exercise a general supervisory care over them, also visit and address them, when practicable, at the institution where they are, in regard to their duties and the claims of the office which they have in view.

4. The recommendation of each candidate must be annually renewed by his Presbytery, if possible, at the spring meeting, in connection with one from the Session of the church of which he is a member, and a specification must be made of the amount needed by him; and until the notification of these points has been received, a student will not be considered as upon the roll for the year.

5. Recommendations, or renewals of them, made by an Education Committee in the interim of the sessions of a Presbytery, shall be received as sufficient, provided its action is reported to the Presbytery at the next session, and not countermanded to the Board.

6. If, at any time, there be discovered in a student such defect in capacity, diligence, and especially in piety, as would render his introduction into the ministry a doubtful measure, it shall be the sacred duty of the Board to communicate without delay the information received to the Education Committee of his Presbytery; and if, on careful inquiry on the part of the Presbytery, no satisfactory explanation of the defect can be obtained, or if no response be received by the Board from the Presbytery or from its Committee on Education within the current quarter, it shall be the duty of the Board to withdraw its aid altogether.

7. Special care should be exercised by the Presbytery in the examination of students who are about to enter upon the theological course, according to the instructions of the Form of Government (Chap. xiv, Sec. iii); and this examination should be conducted by the Presbytery, and be entirely satisfactory as to the "real piety" of the students "and the motives which have influenced them to desire the sacred office," before they are allowed to take the final step towards assuming its great responsibilities.

8. The annual report, occasional publications of this Board, and a copy of the Confession of Faith, shall be sent gratis to all students under its care who request them.

(5) *Particular duties of candidates.*

1. Inasmuch as the great aim of the Church, in the establishment of the Board of Education, is the increase of holy and faithful preachers of the Gospel, the young brethren who look to this work are earnestly and affectionately reminded that all intellectual acquisitions are of little value without the cultivation of piety, and that they are expected and required to pay special attention to the practical duties of religion, such as reading the Scriptures; secret prayer and meditation; occasional acts of special consecration of themselves to Christ and to His service, as their Redeemer and as the Lord of all; attendance at regular meetings on the Sabbath and during the week; endeavors to promote the salvation of others; and the exhibition at all times of a pious and consistent example.

2. Inasmuch as the scholarships granted by the Board will necessarily

fall short of a full support of the students, it will be expected that they and their friends will make all proper exertions to supply whatever may be wanting.

3. When a student shall find it necessary to relinquish study for a time, in order to increase his means for support, by teaching or otherwise, he shall first obtain the consent of the Education Committee of the Presbytery, or of the Board; and if, when given, he shall not be absent from study more than three months, his scholarship will be continued; but if longer, it will be discontinued, or continued in part according to circumstances.

4. It shall be the duty of each candidate connected with the Board to report himself, soon after the meeting of the General Assembly, to the Education Committee of his Presbytery, as to his progress, wants and prospects; and when any of the requisitions of the Board which affect him may not be carried out by teachers or others, it becomes his duty to see that they are attended to, that delays and losses to himself may be prevented.

5. The reception of a scholarship by a student shall be considered as expressing a promise to comply with all the rules and regulations of the Board.

(6) Exceptional Cases.

1. The Board will not ordinarily take under its care as candidates for the ministry any who have not completed a course preparatory to college. If exceptional cases are recommended by Presbyteries the Board should be certified that there has been a season of thorough trial and approval under competent teachers, through two or three years.

2. Such students are not to expect the benefit of scholarships for more than two years before entering college.

7. Plan for the encouragement of a missionary spirit in candidates.

1. The Board of Education is hereby directed to use its influence to incline the candidates under its care, at the conclusion of their studies in preparation for the holy ministry, to offer their services, under all ordinary circumstances, for missionary labor for a longer or shorter period of time as the providence of God may indicate.

And further, in order effectively to bring this influence to bear upon its candidates, the Board is hereby authorized to add the following to its rules relating to candidates for the ministry.

"III. Scholarships.—10."

[Note.—See Rule 10, on p. 359.]

2. It is hereby made the duty of the Board, through its Corresponding Secretary, by correspondence with the candidates, the Education and the Mission Committees of Presbyteries, Synodical Superintendents, and the Board of Home Missions, and the Mission Committees of Synods, to bring about, to as large a degree as possible, the employing of the probationers of the Church in missionary labor at the conclusion of their studies.

3. Each Theological Seminary is hereby requested to coöperate in this plan by so ordering the course of instruction, and the general life of the seminary, as to put increased emphasis, if possible, upon the dignity, privilege, and preëminent importance, in this crisis of the world's history, of missionary labor; and to use its influence to incline the young men

whom it has under its care, without distinction, to a willingness to consecrate the strength and zeal of their early manhood to a task so appropriate to men in their situation, and so rich with promise of large results.

4. The Presbyteries are hereby requested to coöperate by making themselves acquainted, through the Board of Education and the authorities of the theological seminaries, or otherwise, with the number and qualifications of the candidates who are prepared to offer themselves for missionary service, and, as far as possible, to employ them promptly upon the conclusion of their studies; that thus efficient measures may be taken to supply some at least of our destitute mission fields, and to make use without delay of the men whom the Church is at so much pains to educate.

IV. THE BOARD OF PUBLICATION AND SABBATH-SCHOOL WORK.

1. History.

In 1838, the Assembly, O. S., *Resolved*, That the General Assembly will superintend and conduct by its own proper authority the work of furnishing the churches under its care with suitable tract and Sabbath-school publications, by a Board appointed for that purpose, and directly amenable to said Assembly.—1838, p. 23, O. S.

[NOTE.—The plan as adopted may be found in the *Digest*, 1886, pp. 433–435. In 1852 the Assembly, N. S., appointed a Standing Committee on Publication, *Minutes*, 1852, p. 176, N. S.; 1853, p. 330, N. S.; 1856, p. 214, N. S.; 1860, pp. 246–248. See Moore's new *Digest*, 1861, pp. 394–404, and *Digest*, 1886, pp. 435, 436. In 1855, p. 13, N. S., the name was changed to "The Presbyterian Publication Committee." The trustees of the Presbyterian House were authorized and directed to act as trustees of the Publication Committee.—1857, p. 410, N. S.]

2. The Board of Publication organized, 1870.

The unfinished business, viz., the report of the Joint Committee on Publication, was resumed, and, after amendment, was adopted as follows, viz.:

The Special Committee of five from each of the recent branches of the Church, appointed "to take into consideration the affairs" of the Publication Board and Committee of said branches, and to "recommend to the Assembly of the united Church what changes are required" in said Board and Committee, respectfully report:

That they have endeavored to give the matter referred to them that earnest and prayerful consideration which its importance demands.

They regard the work of the Church to be prosecuted through this agency as scarcely second to that of any of our Boards. It is not only closely related to our missionary enterprises, but is itself, in many of its aspects, a missionary work. Its aim is the dissemination of vital truth, both among congregations already established and among the people who are never reached by the heralds of salvation. It is at once auxiliary to the ministry and of itself a ministry. Every tract is, or should be, a message from God. Every Sunday-school book should be a preacher of righteousness.

To effect this work involves a liberal use of money, of mind, and of every resource committed by God to human hands.

The first necessity is a central house of publication, which should be endowed with every appliance needed for the preparation and the diffusion of religious literature. Economy, of course, should be studied. It is not, in our view, essential that large sums be invested in the machinery

of publication, such as presses and binderies. The use of this machinery can be commanded without purchase. But it is essential that a proper house be provided for the transaction of the business of this agency, and for the issue and circulation of its literature. The buildings erected for this purpose, and now under the control of the Assembly, are wholly inadequate. Both are small and ill-arranged. Neither has been found sufficient for the wants of the Church as divided; the work before the Church as united will be vastly greater than has ever yet been attempted. It is believed also, that, so far as possible, all the operations of the united Church conducted from Philadelphia should be concentrated under one roof. The house of publication should be virtually a Presbyterian house, a centre and a home for the denomination, a rallying-point for all the interests of the Church which the Assembly in its wisdom may localize in this city. The advantages of such a concentration in facilitating the transaction of the business of the Church, in promoting the general convenience, and in fostering a proper denominational life and spirit, are too obvious to require remark. But to effect this a new and extensive building must be erected; and it is believed that the recognition of this necessity by the Assembly will so enlist the sympathy of the Church as to secure the ready accomplishment of the plan submitted in the subjoined resolutions.

The second necessity is an efficient Board and proper officers. The Board should be constituted, we believe, of a comparatively small number of thoroughly practical, wise and energetic men, all of whom can be relied upon to attend the meetings of the Board, and to devote their personal attention to its operations. This number should be larger than may be required by the other Boards of the Church, inasmuch as its work will necessitate several sub-Committees. It should be also somewhat larger than may be required by the constitution of these sub-Committees, in order that vacancies in the Committees themselves may be readily filled by men of experience, and in order that perplexing questions may be submitted to the wisdom of a full council; yet the number should not be so large as to weaken a sense of individual responsibility.

Experience has proved that a few men, each of whom can be easily reached, all of whom have a vital interest in the trusts confided to them, will perform any given labor more efficiently than a large Board whose members are so diffused as to be seldom collected, or as to forget the claims of a duty whose immediate field is far away.

The officers of this Board should be men adapted to their sphere, carefully selected, in number sufficient to conduct the business placed in their hands, and so remunerated that they can devote their entire time and energies to the work. The Board should also be empowered to employ such other assistants as in their judgment may be required.

The third necessity is the maintenance of a force of colporteurs sufficiently large to reach the outlying population of the land by the Gospel, and to prepare the way for the establishment of churches wherever they may be made permanent and effectual. Provision should also be made for the supply of Sunday-school libraries and of the general literature of the Board on the liberal terms of an enlarged Christian benevolence.

The fulfillment of these conditions will be found to require some changes, notwithstanding the admirable manner in which this work has been conducted hitherto. Our beloved Church has already accomplished so much in the direction indicated that we can refer to its past

operations with just thanksgiving; but, while we think no great and radical changes in this department of our Christian work are desirable, the day has now come for an enlargement of all our plans—a fresh and more vigorous movement in the development of a spirit of enterprise for Christ. God's promises were always full. His providence now calls us to new faith in the promises, and to a new consecration to that work with which the fulfillment of the sure and glorious prophecy is associated.

We therefore respectfully recommend the adoption, by this General Assembly, of the following resolutions as comprehending the changes in our judgment required in order to the union and reorganization of the Presbyterian Board of Publication and the Presbyterian Publication Committee, viz.:

Resolved, 1. The said Board and Committee are hereby united under the name and title of the "Presbyterian Board of Publication."

2. The said Board shall henceforth be composed of forty-eight members, one-half of whom shall be ministers and one-half laymen. These members shall be divided into three classes, one class containing eight ministers and eight laymen, after the present year to be elected annually by the General Assembly for a term of three years.

3. In order to an immediate and thorough reorganization of the Board, all persons now members of the Board and the Committee are discontinued, and their membership ceases, and the following persons, taken in equal numbers from each of the late branches, are recommended to fill the three classes.

For the class whose term shall expire in May, 1871:

Ministers—Alexander Reed, D.D., J. Grier Ralston, D.D., Robert M. Patterson, Thomas Murphy, Peter Stryker, D.D., Stephen W. Dana, Richard H. Allen, D.D., William T. Eva.

Laymen—Henry E. Thomas, John Sibley, James T. Young, H. Lenox Hodge, M.D., Edward R. Hutchins, M.D., William L. Hildeburn, William E. Camp, Horatio B. Lincoln.

For the class whose term shall expire in May, 1872:

Ministers—George F. Wiswell, D.D., John W. Dulles, Daniel March, D.D., H. Augustus Smith, Willard M. Rice, D.D., F. Reck Harbaugh, Matthew B. Grier, D.D., Matthew Newkirk.

Laymen—George W. Simons, Joseph Allison, LL.D., Henry M. Paul, Edward Miller, James Ross Snowden, John D. McCord, Gilbert Combs, Gustavus S. Benson.

For the class whose term shall expire in May, 1873:

Ministers—William P. Breed, D.D., William E. Schenck, D.D., David A. Cunningham, Benjamin L. Agnew, Zephaniah M. Humphrey, D.D., William E. Moore, Thomas J. Shepherd, D.D., Herrick Johnson, D.D.

Laymen—Morris Patterson, Winthrop Sargent, Archibald McIntyre, George Junkin, Samuel C. Perkins, William E. Tenbrook, Robert N. Willson, Alexander Whilldin.

4. The said Board shall hold at least four regular meetings in the course of each year, in the months of June, October, January and April. Its first meeting shall be held at 821 Chestnut street, at four o'clock P.M., on the second Tuesday of June of the present year.

5. The executive officers of the Board shall be a Secretary or Secretaries, whose titles and duties shall be defined by the Board, and a Treasurer.

6. All other internal arrangements necessary for carrying out the purposes of its orgnization shall be made by the Board of Publication after its reorganization.

7. Each Presbytery is directed to appoint one or more of its members a Presbyterial Publication Committee; which Committee shall, in that Presbytery, supervise the work of securing an annual collection for this Board from each of its churches; shall search out and recommend to the Board suitable persons to act as colporteurs; shall correspond with the Board in reference to its work in that Presbytery; and shall do whatever else may tend to promote the work and interests of the Board, and to secure a thorough distribution of the Board's publications within and throughout the bounds of the Presbytery.

8. All the property, of every kind, now owned by the "Presbyterian Board of Publication" and by the "Presbyterian Publication Committee" or held by any Board of Trustees for the use and benefit of either of them, is hereby directed to be united, and placed in possession of "The Trustees of the Presbyterian Board of Publication," incorporated by the Legislature of the State of Pennsylvania, and whose charter was approved by the Governor of that State on the 13th day of February, A.D. 1847. And in order that the late two branches of the Presbyterian Church, now happily reunited, may have, as nearly as possible, an equal representation in said Board of Trustees of the Presbyterian Board of Publication (there now being enough vacancies by death and resignation to effect the changes proposed), the Board of Publication is directed, at its next meeting in the month of June, to elect the following persons to be members of this Board of Trustees:

For one year.—Alexander Whilldin, Samuel C. Perkins, Archibald McIntire.

For two years.—Morris Patterson, William E. Tenbrook.

For three years.—George Junkin, James Ross Snowden and Robert N. Willson.

9. The "Trustees of the Presbyterian House" are hereby directed to convey, by a good and sufficient legal title, to "The Trustees of the Presbyterian Board of Publication," the house and lot, Nos. 1334 and 1336 Chestnut street, now occupied by the Presbyterian Publication Committee in part as a bookstore, and any other property now in their possession, or which may hereafter come into their possession, for the use of the Presbyterian Publication Committee. And should any legal difficulties be found in the way of making such a conveyance or transfer, then "The Trustees of the Presbyterian House" and "The Trustees of the Presbyterian Board of Publication" are hereby directed to procure, as speedily as possible, such special enactments from the Legislature of this State or decrees of any courts of competent jurisdiction, as shall remove those difficulties.

10. The General Assembly recommends the Board of Publication, as soon as practicable after its reorganization, to sell its house and lot, No. 821 Chestnut street, and to provide a larger house, adequate to its now extended operations, and to the prospective growth of its business, on the premises Nos. 1334 and 1336 Chestnut street, or in that vicinity.

11. In order that the above recommendation may be carried out, so as to provide ample accommodations for the Board's future business, and for all other Presbyterian interests in this city, it is recommended

that the sum of one hundred thousand dollars be raised among our churches and people for the erection and equipment of said Presbyterian house, and all contributions made thereto shall be recognized as a part of the offering of five millions of dollars which it was at Pittsburgh resolved to raise.

12. All the Committees and officers of the Board of Publication, and of the Publication Committee, are requested to continue to perform their respective duties as at present, until otherwise directed by the newly organized Board of Publication.

13. The Board of Publication and the Publication Committee are directed to submit to the next General Assembly, and each year thereafter, a full statement of the property of said Boards, consisting of real estate, copyrights, books, papers, plates and any other assets, with an estimate of the value thereof.—1870, pp. 113–116.

3. The Sabbath-school Work of the Board. Three branches.

a. 1. That the Board of Publication be instructed so to enlarge its arrangements as to make the Sabbath-school work a prominent and organic part of its operations; and that it is exceedingly desirable that the entire congregations in our churches, old and young, be permanently connected with the Sabbath-school, either as scholars or teachers.

2. That the Board, so enlarged in the sphere of its operations, keep before it these three branches of the Sabbath-school work:

(A) To furnish a complete literature for Sabbath-schools, consisting of its own and other well-selected books for libraries, helps of all kinds for the study of the Scriptures and catechism, periodicals for teachers and scholars, and all other apparatus fitted to give efficiency to the work of teaching.

(B) To establish such agencies as it may deem suitable for elevating the standard of teaching, and more thoroughly developing the great idea of Sabbath-schools—that of imparting the knowledge of God to the young and drawing them to the salvation of Christ.

(C) In appointing colporteurs, as far as possible, to select such persons as may also be suitable for Sabbath-school missionaries, and instruct them to establish Sabbath-schools in destitute localities, under the supervision of the Presbyteries.

3. That the churches be urged to contribute more largely to the missionary fund of this Board, to meet the increased expense which the working of this branch of its operations will demand.—1871, p. 524.

b. In the Sabbath-school department the instructions of the last Assembly have been carried out. A general superintendent has been appointed—Mr. J. Bennet Tyler—who in January last entered upon his duties, has performed much preparatory work, and everywhere found interest and sympathy with the plans of the Assembly. To the Westminster series of Sabbath-school lessons for teachers and scholars three numbers have been added, in continuation of a plan which embraces a full curriculum of Bible study.—1872, p. 20.

4. Charter of the Board.

An Act to Incorporate "The Trustees of the Presbyterian Board of Publication."

Whereas, The General Assembly of the Presbyterian Church in the United States of America have a Board of Publication composed of ministers and laymen of the Presbyterian Church, the design of which is "the publication of

such works, permanent or periodical, as are adapted to promote sound learning and true religion ; " and,

Whereas, The aforesaid Board of Publication labors under serious disadvantages, as to receiving donations and bequests, and as to the management of funds entrusted to them for the purpose designated in their Constitution, and in accordance with the benevolent intentions of those from whom such bequests and donations are received ; therefore,

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, that Matthew Newkirk, James N. Dickson, William S. Martien, James B. Ross, Archibald McIntyre, Joseph B. Mitchell, Alexander W. Mitchell, M.D., Robert Soutter, Jr., and James Dunlap, citizens of the United States and of this Commonwealth, and their successors, are hereby constituted and declared to be a body politic and corporate, which shall henceforth be known by the name of "The Trustees of the Presbyterian Board of Publication,"* and as such shall have perpetual succession, and be able to sue and be sued in all courts of record, and elsewhere ; and to purchase and receive, take and hold, to them and their successors, forever, lands, tenements, hereditaments, goods, money and chattels, and all kinds of estate which may be devised, or bequeathed, or given to them ; and the same to sell, alien, demise and convey ; also to make a common seal, and the same to alter and renew at their pleasure ; and also to make such rules, by-laws and ordinances as may be needful for the government of the said corporation, and not inconsistent with the Constitution and laws of the United States and of this State ; *Provided, always*, That the clear yearly income of the real estate held by the said corporation shall not at any time exceed the sum of five thousand dollars.

SEC. 2. The Trustees above named shall hold their offices for one year from the date of this incorporation, and until their successors are duly qualified to take their places ; who shall be chosen by the aforesaid Board of Publication, at such times and in such manner as shall be provided by the said General Assembly of the Presbyterian Church in the United States of America, provided not more than one-third of the Trustees shall be removed in any one year.

SEC. 3. The Trustees hereby incorporated, and their successors, shall (subject to the direction of the said Board of Publication) have full power to manage the funds and property committed to their care, in such manner as shall be deemed most advantageous, and not contrary to law.

JAMES COOPER,
Speaker of the House of Representatives.

CH. GIBBONS,
Speaker of the Senate.

Approved the thirteenth day of February, one thousand eight hundred and forty-seven. FR. R. SHUNK.

5. Relations of the Missionary and Publishing Departments.

a. The report of the Special Committee on the Missionary Department of the Board of Publication was then taken up and adopted. The report is as follows:

The Committee appointed by the General Assembly of 1881 to consider and report to the next General Assembly what changes and measures, if any, are needed in order to increase the work and efficiency of the Missionary department of the Board of Publication, would respectfully submit the following report:

[NOTE.—See report in full, *Minutes*, 1882, pp. 73–80. The action recommended and adopted is as follows :]

1. That the General Assembly instruct the Board of Publication to maintain a separation as complete as practicable between the Publishing

* Title amended by decree of the Court of Common Pleas, No. 1, of Philadelphia, November 19, 1887, to "The Trustees of the Presbyterian Board of Publication and Sabbath-school Work."

and the Colportage departments in their business affairs; so that the relation between the two, in this respect, shall be the same as between the Publishing department and any other purchaser—the terms of sale to the Colportage department to be as favorable as those offered to any other purchaser.

2. The Publishing department is to employ all legitimate agencies which shall promote the sale of its publications, and not be required to assume, in whole or in part, the support of any office or agency which it does not feel justified in assuming because of its commercial value. It is to keep in view the important object of furnishing its publications at the lowest possible cost; and all advantages which it may possess, by virtue of the capital placed at its disposal, are to bear fruit chiefly in the lower price and consequent wider diffusion of its publications.

3. The Board shall present to the General Assembly a yearly statement of the expenses of the Publishing department, and also a statement of its profits in such a manner that it shall be made to appear, (1) whether any reduction in the price of its publications is practicable, and (2) what sum this department may yield, year by year, for Sabbath-school work and colportage, or other missionary purposes.

4. That the work of colportage, including the selection and appointment of colporteurs, shall be under the exclusive supervision of the Corresponding Secretary and the appropriate Committee of the Board, who shall be allowed adequate clerical aid. No colporteur, however, shall be sent to labor within the bounds of any Presbytery, unless first recommended by the Presbytery or its appropriate Committee.

6. The funds necessary for the maintenance of the Missionary department are to be sought, as now, directly from the churches, as a benevolent gift. From these funds the Board shall provide for the entire salary of the Secretary of Sabbath-school Work, and so much of the salary of the Corresponding Secretary as is not provided for by an express arrangement of the Publishing department, with their expenses; also for the salaries of the colporteurs, the grants of books, etc., which it shall allow; and for the other expenses of the Missionary department.

7. That, in the instructions of the Missionary department to the colporteurs, the main emphasis is to be laid upon the work of religious visitation, and the Sabbath-school work expected from them among the spiritually *destitute;* and that the selling of books, while still continued, so far as it can be usefully done, is to be in all cases subordinated to these more directly benevolent and religious labors.

8. That the Board be directed to invite correspondence through its Missionary department with our pastors, and especially with our missionaries, to secure voluntary help in the wider diffusion of our literature; and that, in pursuance of this policy, it be directed to make grants of books and other publications with all possible liberality whenever satisfied that those making application for such grants will use them wisely for the benefit of the religiously destitute and will report to the Board the manner in which they are used.—1882, pp. 77, 78.

6. The Sabbath-school work of the Board.

a. *Resolved*, That the Board of Publication shall continue as at present, with a collection from the churches for its missionary work.

The department having this work in charge shall be separately constituted, and shall keep a distinct account with the Board. It shall be

its duty to disseminate the publications of the Board by donations to ministers and to needy churches, and by sale through its appointees, who shall be called the missionaries of the Board of Publication, and who shall be appointed, subject to the approval, and shall be under the control, of the Presbyteries.

It shall also supervise the whole Sabbath-school work of the Church, in connection with the Presbyteries; and it shall aim to lift this important agency of Christian evangelization into the prominence and efficiency which it deserves, and which the great needs of our own country have so largely called for at the present time.

And, furthermore, in addition to the amount appropriated by the Board from the collections made by the churches, it shall receive and apply donations specifically designated for the Sabbath-school work.—1874, p. 31; 1876, p. 38; 1877, p. 526.

b. 1. That the pastors, Sessions, and people of our several congregations be affectionately and earnestly urged to appreciate the value of the Christian literature supplied by this Board, to procure for their families and Sabbath-schools a supply of the same, and to contribute more liberally to its missionary and colportage funds, so that its publications may be more widely distributed, and the indigent be gratuitously supplied.

2. That the Assembly recognize with peculiar gratification and approval the missionary and Sabbath-school work of the Board, and recommend to all our Presbyteries, Sessions, and people, and especially to our Sabbath-school laborers, to coöperate with the Board in this branch of its work, and, with a spirit loyal to our own denomination, to prefer the publications and missionaries of our own to those of other organizations. And the editors of our publications are urged to continue to make them as lively and attractive as those issued by other houses.

3. That the Assembly approve of the appointment of Rev. James A. Worden as Superintendent of Sabbath-school Work, and anticipate much benefit from the judicious performance of the functions of that office.

4. That it be earnestly requested of the Sabbath-schools of our Church to contribute at least once every year to the Sabbath-school Missionary department of this Board.

5. That the Assembly solemnly remind the churches in our connection that church discipline, in the Scriptural sense, includes not only the reformation of offenders and the removal of scandals, but also the prevention of offenses by the proper instruction and training of the children of the Church in knowledge and godliness; and that to this end it is the duty of the pastor and Sessions to take authoritative supervision of the instruction of youth, so far as to see to it that the baptized children of the Church are properly educated in the family and the Sabbath-school—so that the Sabbath-school exercises shall be considered a part of Church work, and the children be more distinctly recognized and treated as belonging to the congregation of the Lord; and, with a view to this, it is recommended that in all of our Sabbath-schools superintendents be chosen or appointed subject to the approval of the church Session. That the pastor and Session visit, encourage, and if need be work in, the Sabbath-school, and that, in congregations where the Shorter Catechism is neglected, it be introduced and used with due prominence.

6. That it is recommended that each Presbytery appoint a Committee or a Presbyterial Superintendent, whose duty it shall be to oversee and encourage, as far as may be, the Sabbath-schools in the bounds of the

Presbytery, and especially to take order for collecting and transmitting to the General Superintendent the statistics of each school; and, with a view to this part of the work, the General Superintendent is requested to furnish blank statistical tables.—1878, pp. 25, 26.

c. *Normal class instruction.*

4. That we hereby renew the deliverance of former Assemblies, in asserting the right and duty of Sessions to exercise authoritative supervision of the Sabbath-school work of their congregations.

5. That it is recommended that each Presbytery appoint a Sunday-school Committee, which shall collect and tabulate at the spring meeting of the same, and transmit to the General Superintendent of Sunday-school Work, statistics of each school; and this Committee shall also supervise and direct its general Sunday-school work within the bounds of the Presbytery. Also that the Superintendent be directed to furnish blanks for the use of Sunday-school statistics.

7. That the Assembly approve the action of the Board in preparing a three-years' course of Normal Class Instruction, and the lists of subjects announced for the first year to the Assembly at its annual Sabbath-school meeting, last evening, and earnestly recommend the formation of normal classes wherever practicable.—1879, p. 558; 1881, p. 555.

d. *Bible Correspondence School.*

The General Assembly approves the proposed organization of the Board, through its Secretary, of the Bible Correspondence School, in the interest of the better training of teachers.—1883, p. 616.

e. *Children's and Rallying Days.*

That we urge the general observance of Children's Day on the second Sabbath of June, and Rallying Day on the last Sabbath of September, and that liberal offerings be secured on one of those days for the Board for the use of its missionary work.—1897, p. 73.

7. Blanks printed by the Board to be approved by the proper authority, and so indorsed.

Overture from the Presbytery of New Brunswick respecting blanks for reports of the work of the Assembly.

Answer: That the Board of Publication is directed, in printing blanks to submit them to the approval of that officer of the Church who is specially responsible for the same, and, in particular, that the blanks for congregational and Presbyterial statistics be approved by the Stated Clerk of the General Assembly. The Board is also directed to print upon the blanks, in fine type, the authority approving the publication. Adopted.—1885, p. 625.

8. Reorganization of the Board, 1887.

On the report of the Special Committee on Publication, the following resolutions were adopted:

1. The Presbyterian Board of Publication shall be hereafter designated and known as the "Presbyterian Board of Publication and Sabbath-school Work," and shall consist of twenty-four members, of whom twelve shall be ministers and twelve ruling elders.

2. No one shall serve as a member of the said Board who is an executive officer or employé of said Board, or a member of any other benevo-

lent Board of the Church, and no more than one ruling elder from the same congregation shall serve on said Board, at the same time.

3. This General Assembly shall elect as members of the "Board of Publication and Sabbath-school Work," four ministers and four ruling elders, who shall serve for one year; four ministers and four ruling elders who shall serve for two years; four ministers and four ruling elders who shall serve for three years from the third Tuesday of June, 1887, and each succeeding General Assembly shall elect four ministers and four ruling elders to serve for three years thereafter. In case this recommendation is adopted by the General Assembly, we recommend that the Standing Committee on Publication be directed to nominate members of the Board herein provided for. Members of the Board thus elected shall meet for organization at the publishing house at Philadelphia on the third Tuesday of June, 1887, and when such organization shall have been effected, the membership of the Board as at present constituted shall terminate. For the purpose of effecting such organization, a majority of the members-elect shall constitute a quorum.

4. The annual collection taken up in the churches for the benefit of this Board shall hereafter be known as the collection for Sabbath-school work, and be so designated in the *Minutes* of the Assembly.

5. The Sabbath-school and colportage work shall be consolidated in one department, subject to the supervision and control of an officer who shall be designated the "Superintendent of Sabbath-school and Missionary Work." The editorial work of the Board shall be organized in another department, under the supervisory control and care of an officer who shall be designated as the "Editorial Superintendent." The general business interest shall be organized into a Business department, which shall be under the supervisory control of an officer who shall be designated the "Business Superintendent." All these officers shall be appointed by, and their duties defined by, the Board, as may be directed in the By-Laws.

6. Standing Committees shall be appointed or elected by the Board, to be known as the "Sabbath-school and Missionary Committee," the "Editorial Committee," and the "Business Committee," which shall have charge of their respective departments, under such rules and regulations as the Board may by By-Law establish; provided that the Board shall have power to appoint any other Committees which shall be deemed necessary for the proper conduct of its business.

7. The present executive officers shall be continued in the following positions, to wit: *—— — as Secretary; Rev. James A. Worden, D.D., Superintendent of Sabbath-school and Missionary Work; Rev. J. R. Miller, D.D., as Editorial Superintendent; and John A. Black, Esq., as Business Superintendent; until their successors are appointed by the Board, each in charge of his own department, subject to such rules and regulations, with such powers as the Board may from time to time prescribe by By-Laws, in harmony with the general principles herein laid down.

8. The Board shall elect a Secretary of the Board, who shall be its chief executive officer, and shall have general supervisory control of all the officers herein named, subject to an appeal to the Board itself.

9. All By-Laws of the Board now in force, not in conflict with the

* In the report adopted by the Committee this blank was filled by the name of the Rev. John W. Dulles, D.D., now deceased.

principles herein laid down, are hereby continued in force until altered, amended or repealed by the Board. All such as conflict with the principles herein stated are repealed.

10. The Board is directed to organize its work in accordance with the plans herein set forth on the third Tuesday of June, 1887, or as soon thereafter as possible, and to report its action to the next General Assembly.

11. This General Assembly directs the consolidation of the Presbyterial and Synodical Committees of Publication and Sabbath-school Work, to the end that this work, which has heretofore been under the supervision of two Committees, shall be committed to the care of one, and earnestly enjoins that in the appointment of such Committees care be taken to secure members who will actively enter into and push this great work.—1887, pp. 51, 52.

V. CHURCH ERECTION.

THE TRUSTEES OF THE CHURCH ERECTION FUND.

1. The Organization.

The report of the Joint Committee on Church Erection was adopted, as follows:

In entering on their work the Committee found that the trusteeship of the Church Erection Fund was a chartered institution, formed under the laws of the State of New York, and possessed of a permanent fund of $126,000, more or less, of which about $90,000 were invested in interest-bearing securities in the State of New York, and the remainder in various liabilities given by feeble churches which had been aided. They also learned that, in accordance with certain amendments of the plan passed by the General Assembly which met at St. Louis in 1866, the system of loans had been abandoned, and a so-called Supplementary Fund created, to consist of the yearly interest of the Permanent Fund, together with such sums as should be raised by the annual contributions of the churches, all of which, in absolute donations, to be devoted to the current demands of the work. This Board of Trustees, having charge of both the Permanent and the Supplementary Fund by the terms of the charter, consists of nine members residing in New York or its vicinity, and are elected in classes from year to year by the General Assembly, according to the chartered rules prescribed.

On the other hand, the Committee learned that the Board of Church Extension, having its centre of operations in St. Louis, Mo., was without a charter and without permanent funds, holding only current receipts appropriated and unappropriated, together with certain temporary investments in real estate; that the said Board of Church Extension was therefore free from any legal obstacles which might prevent a change either of location or of name, or stand in the way of its being united under the charter of the organized and localized Board of Church Erection.

In view of these considerations the Joint Committee do respectfully and unanimously recommend:

1. That the operations of the United Church be carried on under the charter of "The Trustees of the Church Erection Fund of the Presbyterian Church in the United States of America," and that its location be continued in the city of New York.

2. That the members of the Board be chosen impartially from both

branches of the Church, that their number be twenty-one, consisting of ten ministers and eleven laymen acting in connection with the Presbyterian Church, and that the entire Board so formed be expected to meet at least once a year.

3. That fifteen members, seven ministers and eight laymen, shall reside in the city of New York, or its vicinity; that at an early day an amendment of the charter be obtained, authorizing these fifteen local members to act as trustees of the fund, but until such change shall be secured nine of the fifteen members shall continue to hold the said trusteeship under the provisions now existing.

4. That six members of the Board, three ministers and three laymen, shall be chosen from the West. This recommendation is made in view of the fact that certain properties held by the Board of Church Extension are temporarily located in Missouri, and require a local supervision. It also seems desirable that the Board shall have representatives on the ground who may secure those grants of land which are so freely offered for church purposes by railroad and town companies throughout the West, also to have special oversight in the matter of insurance on church properties—a matter of great importance, in which it is feared there is at present great neglect.

5. That a Secretary be appointed who shall reside in New York, and whose functions shall be similar to those of the present Secretaries of Church Erection and Church Extension; also that the Board shall have authority to appoint an additional Secretary and define his duties.

6. While the Committee appreciate and would earnestly encourage all local efforts to build churches and chapels in the cities and in Presbyteries by special contributions, they unanimously recommend that the Assembly take the most efficient measures to secure an annual contribution from all the churches for the general work of the Board. The suburbs of our large cities must be cared for, but at the same time the demands of the great wastes of the continent are most imperative upon the whole Church.

In conclusion, the Committee would express the hope that this department of the Church work, so fundamental to all permanent success, may be brought into greater prominence and receive a larger degree of favor and support. It should be not merely a passive resource to which the needy may resort for a stinted dole, but a powerful aggressive agency arousing and stimulating the Church to substantial conquest everywhere in the cities, on the prairies, along the railroads and on the far-off shores of the Pacific. In view of the fact that legal questions might arise in connection with some of the points in this report, Messrs. S. T. Bodine and J. C. Havens were appointed to consult legal authorities thereupon, and report to the Committee at a subsequent meeting.

The Committee then adjourned to meet in the First Presbyterian Church of Philadelphia during the sessions of the General Assembly.

At a conference of certain members of the Joint Committee, held in Philadelphia since the sessions of the General Assembly began, a quorum not being present, Mr. Samuel T. Bodine reported that he had consulted proper authorities in regard to legal points in the above report, and had obtained the following opinions:

1. That the Church Erection Fund, located by charter in the State of New York, would be embarrassed if not imperiled by any change in the place of business.

2. That at an early day steps should be taken to secure a change in the charter, raising the number of trustees from nine to twenty-one, of whom five shall constitute a quorum for the transaction of business.

3. That fifteen of the twenty-one members of the Board, namely, seven ministers and eight elders, should reside in the city of New York or its vicinity.—1870, p. 116.

2. The plan for the custody, care and management of the Church Erection Fund, as adopted by the Assembly of 1854 and amended by the Assembly of 1866, N. S.

[NOTE.—Approved by the Assembly of 1870, amended by subsequent Assemblies and approved by the Assembly of 1889, p. 77.]

[1854] *Preamble.*

The General Assembly of the Presbyterian Church in the United States of America having, through the liberality of the congregations connected with this body, established a Fund for the purpose of aiding feeble congregations in erecting houses of worship, do hereby adopt the following plan under which this Fund shall be held, administered and used:

[1854] *Article I.*

The Fund having been committed to the General Assembly as a special trust, no part of it as now established, nor any additions which may hereafter be made to it, shall ever be used for any other purpose than that of aiding feeble congregations in connection with the General Assembly in erecting houses of worship, except so much as may be absolutely necessary to defray the expenses incident to the administration of this plan.

[1854] *Article II.*

The custody, care and management of this Fund, and of all securities of every kind belonging to it or growing out of it, together with all claims, dues and property that may at any time pertain to it, and all additions that may hereafter be made to it by donations, bequests or otherwise, shall be committed to a Board of Trustees, to be called "The Trustees of the Church Erection Fund of the General Assembly of the Presbyterian Church in the United States of America." The Board shall consist of twenty-one members, being ministers and elders in connection with some Presbytery or Church under the care of the General Assembly, who shall reside in the city of New York or its immediate vicinity, and whom the General Assembly shall elect by ballot on a nomination to be made at least one day before such election. The trustees shall continue in office until the election and induction of their successors. The certificate of the Stated Clerk of the General Assembly shall be necessary to entitle a trustee to take his seat as a member of the Board, which certificate it shall be his duty to furnish as soon as practicable after the election.

The trustees first elected shall arrange themselves into three equal classes. The term of office of the first class shall expire in one year from their election, that of the second class in two years, and that of the third class in three years. After the first election, the General Assembly shall annually elect trustees to supply the place of the class whose term is about to expire, to hold their office for three years, the same persons always being reëligible; and each General Assembly shall also by election supply any vacancy in the Board caused by death, resignation or

otherwise. If any trustee shall, during the term for which he is elected, cease to be connected with a Presbytery or church under the care of the General Assembly, he shall thereby cease to be a member of the Board, and the vacancy shall be reported to the next General Assembly. In the case of vacancies in the Board, occasioned by resignation, death, removal, or otherwise, during the interim of the General Assemblies, the Board shall be authorized to fill such vacancies [1883].

[1854] *Article III.*

The first meeting of the Board shall be held on the second Tuesday of June next, in the city of New York, at such place and hour as the Stated Clerk of the General Assembly may appoint, who shall preside until the Board is organized by the choice of its president.

[1854] *Article IV.*

The Board shall make their own By-Laws. They shall annually, at their first meeting after the adjournment of the General Assembly, elect one of their number President of the Board, and shall appoint a Secretary and a Treasurer, who shall give security to the Board for the faithful performance of his duties. They shall keep complete books of record and account, in which shall be recorded all their proceedings, and the true state at all times of all matters relating to this Fund, which records and accounts or any part of them shall at all times be open to the inspection of any Committee appointed by the General Assembly for this purpose. They shall also keep full and correct copies and files of all the correspondence which may be conducted or received by them or in their name, and shall annually present to the General Assembly not later than the third day of its sessions, a full report of their proceedings and of the state of the Fund, together with any suggestions or recommendations which they may deem necessary or suitable.

[1854] *Article V.*

The Board are hereby directed, either by procuring a special act of the Legislature of the State of New York, or in accordance with the existing statutes of said State, to incorporate themselves and their successors in office, always to be elected, as aforesaid into a body corporate and politic, invested with all such legal powers as may be necessary to enable them to hold and administer this Fund in conformity with the provisions of this plan.

[1866, Art. VI, VII.] *Article VI.*

The Board is directed to invest and to keep at interest on sufficient security the Fund as now established, and as the same shall hereafter be increased by gift, bequest or otherwise, and [1866, Art. X] the interest accruing therefrom shall be distributed as hereinafter provided.

[1866, Sup. Art.] *Article VII.*

In order to enable the Board fully to meet all the reasonable demands of feeble congregations for aid in erecting houses of public worship, the General Assembly earnestly recommends all the congregations within its bounds to take up annual collections, and transmit them to the Treasurer of the Board to be appropriated by said Board, and distributed by gift, with the interest of the Permanent Fund, for the objects contemplated in the Plan, and on the conditions and limitations hereinafter prescribed.

[1879–85, *Minutes.*] *Article VIII.*

In addition to the aiding of feeble churches in the erection of houses of worship, "The Board of Church Erection is permitted to aid in the establishment of schools and chapels among the exceptional populations of Mormons, Indians, and Spanish-speaking people of the United States."

[1885–86, *Minutes.*] *Article IX.*

An additional fund, to be known as the Manse Fund, shall be raised by special gifts and such portions of church collections as may be designated by the givers to this end, to be used as hereinafter provided, to enable feeble congregations to erect Manses for the use of their ministers.

[1854, Art. XI.] *Article X.*

In order to be entitled to make application in behalf of its churches for aid from the Board, each Presbytery [1871] connected with the General Assembly shall annually elect a Committee on Church Erection, consisting of at least five members. The Stated Clerk of the Presbytery [1871] shall, immediately after the election of said Committee, transmit to the President or Secretary of the Board his certificate of such election, giving the name and residence of each member.

[1854, Art. XII.] *Article XI.*

APPLICATIONS.

All applications for aid shall be made, in the first instance, to the Committee on Church Erection of the Presbytery [1871] to which the applicants belong, or within whose bounds they are situated. Every such application shall be in writing, and shall particularly state: The location of the house or site for its erection; the number of families or persons attached to the congregation, or that propose to unite in building a house of worship; the description of the house which they propose to build with its estimated and probable cost, or the description and cost of the house and lot owned by the congregation; the amount of reliable subscriptions which have been obtained, and how much has been paid thereon; the amount of available means possessed by the congregation, if any; whether the congregation is in debt, and if so, to what amount, for what purpose, and when the same becomes due; and also any other facts which may aid the Committee of the Presbytery [1871] in judging of the application. This application shall be accompanied by the certificate of one of the legal advisers of the Board that the title to the lot on which the house is to be built, is vested in said congregation, in fee, and is free from all legal incumbrance and liability.

If the Committee of the Presbytery [1871], to whom application for aid has been made as above provided, shall, after a careful examination into the condition and prospects of the congregation so applying, be satisfied that such congregation have done all that should reasonably be expected of them, and that with the aid for which application is made, they can build or possess a house of worship adapted to their wants and be free from indebtedness; then the Committee shall sign a certificate addressed to the Board, stating the application, and that they have examined and approve of it; and also stating the amount which it is proper to grant to the congregation. This certificate, together with the application made to the Committee of the Presbytery [1871], shall be transmitted to the Board.

[1854, Art. XIV.] *Article XII.*

APPROPRIATIONS—I. HOUSES OF WORSHIP.

1. [1854, Art. XIV.] No grant shall be made to any congregation unless such congregation own in fee simple, and free from all legal incumbrance, the lot on which their house of worship is situated, or on which they propose to build.

2. [1854, Art. XIV.] No grant shall be made for the payment of any debt, except that which may have been contracted within one year previous in erecting a house of worship.

3. [1866, Art. XI.] The sum granted to any congregation shall never be more than one-half of the amount contributed and secured by themselves for the house and lot, *i. e.*, one-third of the entire cost.

[1891, *Minutes*, p. 84.] In cases where, owing to the rapid settlement of lands newly opened, the establishment of preaching stations, and the organization of churches, for the maintenance of home missionary work are imperatively demanded, in advance of the growth of the ordinary measure of self-help, the Board at its discretion, after conference with the officers of the Home Missionary Board, may exceed the usual limit of aid permitted, namely, one-third of the value of the property, provided such additional aid shall in no case exceed one-half of the value of the property, or the sum of $1500.

4. [1880–85.] In all ordinary cases, the grant to any church shall not exceed $1000, and in making grants, the Board shall give special consideration and preference to the weaker churches, and less costly buildings, when other things are equal.

5. [Charter, Sec. I.] The church must in every case be incorporated, unless in the State or Territory in which it is located there is no law for the incorporation of religious societies.

6. [1854, Art. XIV.] The condition of all donations from this source shall be, that, in case the church or congregation shall cease to be connected with the General Assembly, or their corporate existence shall cease, or their house of worship be alienated except for the building or purchase of a better house of worship, they shall refund to the Board the amount which they have so received, with interest from the time of receiving it.

That the Board be directed, whenever practicable, and in accordance with the best interests of the church aided, to engage with said church, that the amount granted shall be regarded as a loan, not bearing interest, and to be repaid to the Board in specified annual payments, to be credited to the church as its annual contribution [1893, *Minutes*, p. 108].

The fufillment of the above condition shall, in all cases, be secured by the bond of the trustees of the congregation, and a mortgage on their house and lot, made in favor of the Board; which bond and mortgage, duly executed and recorded, shall always be placed in the possession of the Board, before any money is paid over to the congregation.

[1886, *Minutes.*] II. MANSES.

1. The appropriations of the Board for Manses shall be made only from such special gifts, and such portions of Church collections as may be designated by the givers for this end.

2. The appropriations, in all ordinary cases, shall be made as loans,

the amount without interest, to be repaid by installments or otherwise, within three years, such loans never to exceed one-half of the cost of the building. In case the appropriation, for exceptional reasons, is a grant, then the amount shall not exceed one-third of the cost of the building.

3. Such limit shall be fixed as will confine the work to the feebler and mission churches.

4. Before the appropriation is paid, the proper mortgage and insurance must be effected in the same way and under the same conditions as in the case of church edifices.

[1879–85, *Minutes.*] III. CHAPELS.

1. The grant shall be made upon the recommendation of the Presbytery, or its authorized Committee, and in consultation with the Board of Home Missions, and only to such work as is under the control of the Presbytery.

2. No grant shall be made for more than one-half of the entire cost of the property.

3. No grant shall exceed the sum of $600.

4. In other respects the conditions shall be the same as in the case of churches, so far as applicable.

Article XIII.

PAYMENTS.

[1854, Art. III.] When any application is granted, the Board shall, as soon as practicable, forward the necessary papers to be executed by the trustees of the congregation and to be approved by their legal adviser or some other attorney proposed by the congregation and accepted by the Board, and before payment of any grant is made, the following conditions shall be fulfilled, viz.:

1. [1887, *Minutes.*] Before any church shall receive the amount of aid granted it by the Board, the trustees shall certify that the amount necessary to erect and complete their house of worship, less the amount of the grant of the Board, has been collected and actually expended upon the building, and that the sum to be received from the Board will entirely complete the building and leave the congregation free from debt; *Provided*, That in the case of a grant to a church that is the *first* to be organized in a new community, in which there is previously no church of any evangelical denomination, the Board, after the lot has been secured to the congregation in fee simple, and after a mortgage upon it to the Board for the amount of its grant has been effected, may, at its discretion, advance to the church from time to time before the completion of the edifice, such installments of the amount of the grant as shall not at any time exceed one-half of the amount collected for the erection of the building, and one-half of the value of the lot, no such installment, however, being less than one-quarter of the amount of the grant.

2. [1854, 1866.] A mortgage upon the church property duly executed, and acknowledged by the trustees, and recorded in the County Clerk's or Register's office, is to be returned to the Board, with a certificate indorsed upon said mortgage by an attorney-at-law, designated by the Presbytery, to the effect that the church has a valid title, in fee,* to the property, and has full liberty to mortgage the same, and that said

* Special provision for Indian churches, see Art. XII, Sec. i, 6.

mortgage is a first lien upon the property, and has been properly executed, acknowledged, and recorded, according to law.

3. [1870, 1874.] A policy of insurance in some trustworthy company is to be procured by the Board, said policy to run five years. The premiums upon these policies are deducted from the amount of the grant in the first instance, and afterwards the policies are renewed at the expense of the church aided.

[1854, Art. XIV.] *Article XIV.*

When the papers so executed, approved and properly recorded are returned to the Board, they shall authorize the Treasurer of the trustees of the congregation or any other person duly appointed by them for this purpose to draw on the Treasurer of the Board for the amount of the grant.

[1888, *Minutes.*] *Article XV.*

REPAYMENT OF GRANTS.

Any church making an annual contribution to this Board of not less than ten per cent. of the amount originally granted to it, shall be deemed as paying in such contribution an installment of like amount upon the mortgage held by the Board; and when such payments in the aggregate shall equal the amount of the grant, the Board shall execute a release of the mortgage and thus remove its lien from the property of the church; *Provided*, That such church, at the time such contribution is sent, shall notify the Board that it desires such application thereof to be made.*

[1854, Art. VII.] *Article XVI.*

The Board shall prepare blank forms of all such legal and other papers as may be required for the proper distribution and management of the funds committed to it, and the accruing interest and the annual contributions received; and the forms so prepared and no others shall be used in all matters and transactions relating to the fund to which they may be applicable. The Board shall also designate such legal advisers within the bounds of each Presbytery as by a correspondence with the Church Erection Committee of the Presbytery may be found desirable, to examine all certificates of title and all conveyances and other documents connected with the donation of any part of the accruing interest or other funds, including a careful investigation in regard to the legal incorporation of the Board of Trustees of the congregation concerned; and they shall further have power to appoint an agent in each Presbytery, and to require that all payments of moneys that may become due to the fund shall be made to such agent.

[1866, Sup. Art.] *Article XVII.*

It shall be the duty of the Board to present with their annual report an estimate of the amount probably needed for the ensuing year, together with the facts and reasons upon which such estimate is based, in order that the Assembly may determine the amount it will recommend the churches to raise by voluntary contributions.

* *Minutes*, 1890, p. 71. The Board may in its discretion accept a cash payment of seventy-seven per cent. of the face of the mortgage in lieu of the annual payments above referred to.

[1854, Art. XVI.] *Article XVIII.*

No change shall be made in any part of the foregoing plan by any future General Assembly except by an affirmative vote of two-thirds of all the members whose names have been entered upon the roll.

3. Acts of incorporation.

An Act to incorporate the Trustees of the Church Erection Fund of the General Assembly of the Presbyterian Church in the United States of America. Passed March 31, 1855.

The people of the State of New York, represented in Senate and Assembly, do enact as follows :

1. Samuel T. Spear, Asa D. Smith, Edwin F. Hatfield, James W. McLane, Walter S. Griffith, Oliver H. Lee, Norman White, William E. Dodge, and Stephen H. Thayer (designated for the purpose by the General Assembly of the Presbyterian Church, which met in Philadelphia, in May, 1854), and their successors in office, are hereby constituted a body corporate and politic, by the name of "The Trustees of the Church Erection Fund of the General Assembly of the Presbyterian Church in the United States of America," for the purpose of aiding feeble congregations in connection with the said General Assembly in the erection of houses of worship, and by that name, they and their successors shall and may have perpetual succession. *Provided*, That no money shall be furnished by said corporation for the erection of any house of worship in any State or territory in which there shall exist at the time a law for the incorporation of religious societies, the title to which is not held by a religious corporation under and according to the laws of the respective States or territories in which such places of worship are located. *Provided also*, That the title shall in no instance be vested in any priest, bishop, or other ecclesiastic.

2. The said corporation shall possess the general powers, and be subject to the provisions, contained in Title 3 of Chapter 18 of the first part of the Revised Statutes, so far as the same are applicable, and have not been repealed or modified.

3. The management and disposition of the affairs and funds of said corporation shall be vested in the individuals named in the first section of this act, and their successors in office, who shall remain in office for such period, and be displaced and succeeded by others, to be elected at such time and in such manner as the said General Assembly shall direct and appoint ; and such election shall be made, and the said funds shall be held and administered, invested and disposed of, for the purposes aforesaid, in conformity with the provisions of the plan adopted by the said General Assembly.

4. The said corporation shall in law be capable of taking, receiving and holding any real or personal estate, which has been or may hereafter be given, devised or bequeathed to them for the purpose of their incorporation, or which shall accrue from the use of said fund ; but the said corporation shall not take and hold real and personal estate above the sum of two hundred and fifty thousand dollars.

5. This act shall take effect immediately.

STATE OF NEW YORK, }
SECRETARY'S OFFICE. }

I have compared the preceding with the original law on file in this office, and I do hereby certify that the same is a correct transcript therefrom, and of the whole of such original.

Given under my hand and seal of office, at the city of Albany, this second day of April, 1855.

L.S.

A. G. JOHNSON, *Deputy Secretary of State.*

4. The charter amended.

CHAPTER 182.

An Act to amend an Act entitled "An Act to incorporate the Trustees of the Church Erection Fund of the General Assembly of the Presbyterian Church in the United States of America," passed March 25, 1855. Passed March 27, 1871.

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the "Act to incorporate the Trustees of the Church Erection Fund of the General Assembly of the Presbyterian Church in the United States of America," passed March thirty-first, eighteen hundred and fifty-five, is hereby amended so as to read as follows:

SEC. 1. Joseph Fewsmith, John Thomson, Elijah R. Craven, Norman Seaver, John Hall, Charles A. Dickey, Frank F. Ellinwood, Morris C. Sutphen, Henry R. Wilson, Samuel J. Nicholls, Joseph R. Skidmore, Frederick G. Burnham, Jonathan C. Havens, Otis D. Swan, George W. Lane, John P. Crosby, Winthrop S. Gilman, Nathan Lane, Hezekiah King, Russell Scarritt, James M. Brauner (designated for the purpose by the General Assembly of the Presbyterian Church, which met in Philadelphia, in May, eighteen hundred and seventy), and their successors in office, are hereby constituted a body corporate and politic, by the name of "The Board of the Church Erection Fund of the General Assembly of the Presbyterian Church in the United States of America," for the purpose of aiding feeble congregations in connection with the said General Assembly, in erecting houses of worship, and by that name they and their successors shall and may have perpetual succession; *Provided*, That no money shall be furnished by said corporation for the erection of any house of worship in any State or territory in which there shall exist at the time a law for the incorporation of religious societies, the title to which is not held by a religious corporation under and according to the laws of the respective States or territories in which such places of worship are created; *Provided, also*, That the title shall in no instance be vested in any priest, bishop, or other ecclesiastic.

SEC. 2. All acts done by said Trustees, in the proper performance of their trust, since their designation by said General Assembly, are hereby ratified and confirmed.

SEC. 3. This act shall take effect immediately.

STATE OF NEW YORK, } *ss.*
OFFICE OF THE SECRETARY OF STATE, }

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom, and of the whole of the said original law.

Given under my hand and seal of office, at the city of Albany, this first day of May, in the year one thousand eight hundred and seventy-one.

L. S.

D. WILLERS, JR., *Deputy Secretary of State.*

CHAPTER 305.

An Act further to amend chapter one hundred and thirty-one of the laws of eighteen hundred and fifty-five, entitled "An Act to incorporate the Trustees of the Church Erection Fund of the General Assembly of the Presbyterian Church in the United States of America." Passed May 10, 1886; three-fifths being present.

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred and thirty-one of the laws of eighteen hundred and fifty-five, entitled "An Act to Incorporate the Trustees of the Church Erection Fund of the General Assembly of the Presbyterian Church in the United States of America," is hereby further amended so as to read as follows:

§ 1. Joseph Fewsmith, John Thompson, Elijah R. Craven, Norman Seaver, John Hall, Charles A. Dickey, Frank F. Ellinwood, Morris C. Sutphen, Henry R. Wilson, Samuel J. Nicholls, Joseph R. Skidmore, Frederick G.

Burnham, Jonathan C. Havens, Otis D. Swan, George W. Lane, John P. Crosby, Winthrop S. Gilman, Nathan Lane, Hezekiah King, Russell Scarrett, James M. Brauner (designated for the purpose by the General Assembly of the Presbyterian Church, which met in Philadelphia, in May, eighteen hundred and seventy), and their successors in office, are hereby constituted a body corporate and politic, by the name of "The Board of the Church Erection Fund of the General Assembly of the Presbyterian Church in the United States of America," for the purpose of aiding feeble congregations in connection with the said General Assembly in erecting houses of worship and manses, and also of aiding in the establishment of schools and chapels among the exceptional populations of Mormons, Indians and Spanish-speaking people in the United States, and by that name they and their successors shall and may have perpetual succession; *Provided*, That no money shall be furnished by said corporation for the erection of any house of worship in any State or Territory (except for the schools and chapels aforesaid), in which there shall exist at the time a law for the incorporation of religious societies, the title to which is not held by a religious corporation under and according to the laws of the respective States or Territories in which such places of worship are located; *Provided, also*, That the title shall in no instance be vested in any priest, bishop or other ecclesiastic.

§ 2. This Act shall take effect immediately.

STATE OF NEW YORK,
OFFICE OF THE SECRETARY OF STATE, } *ss.:*

I have compared the preceding with the original law on file in this office and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

FREDERICK COOK,
Secretary of State.

LAWS OF NEW YORK —BY AUTHORITY.

[Every law, unless a different time shall be prescribed therein, shall commence and take effect throughout the State on and not before the twentieth day after the day of its final passage, as certified by the Secretary of State.—Sec. 12, Title 4, Chap. 7, Part 1, Revised Statutes.]

5. Plan and rules for the General Fund.

1. *Applications.*—The Board meets statedly upon the fourth Monday in each month, and applications, in order to be considered, should reach the office not later than the preceding Friday.

[Owing to the meeting of the General Assembly, the May meeting is usually omitted and the June meeting held on the second Monday.]

(1) An application for aid in building should be made in form and upon the official blank which will be furnished by the Board.

(2) The questions upon the blank should be answered as fully as possible.

(3) The application, when filled out, should be sent to the Committee upon Church Erection of the Presbytery to which the church belongs, in order to be approved by said Committee.

(4) The certificate upon the third page of application should be filled up and signed by the counsel designated by the Committee upon Church Erection of the Presbytery.

(5) With the application there should be sent a copy of the deed by which the church holds title to the property, and a diagram of the lots upon which a mortgage will be given, if a grant or loan is received.

(6) The papers thus perfected should be forwarded, together with any correspondence that may be of service in considering the matter, to the Corresponding Secretary of the Board.

It is important that before formal application is made to the Board, every effort be used to secure subscriptions in the community to be bene-

fited by the proposed church edifice; but it is especially advised that private appeals be not made to other churches.

2. *Appropriations.*—(1) No grant shall be made to any congregation, unless such congregation own in fee simple, and free from all legal incumbrance, the lot on which their house of worship is situated, or on which they propose to build; *Provided*, That in the case of churches building upon lease-hold property, the Board, at its discretion, if it deems the security sufficient, may make the grant or loan upon such mortgage as the Finance Committee and the counsel shall approve.

(2) The church must in every case be incorporated, unless in the State or Territory in which it is located there is no law for the incorporation of religious societies, and the title to the property must be in said corporation.

(3) No grant shall be made for the payment of any debt except that which may have been contracted within one year previous in erecting a house of worship.

(4) The sum granted to any congregation shall never be more than one-half of the amount contributed and secured by them for the house and lot, *i. e.*, one-third of entire cost.

(5) In all ordinary cases, the grant to any church shall not exceed $1000, and in making grants the Board shall give special consideration and preference to the weaker churches, and less costly buildings, when other things are equal.

(6) The Board is directed whenever practicable and in accordance with the best interests of the church aided, to engage with said church that the amount granted shall be regarded as a loan, not bearing interest, and to be repaid to the Board in specified annual payments to be also credited to the church as its annual contribution to the work of the Board [General Assembly, 1893].

(7) Whenever any congregation is able to raise towards the erection of a house of worship the sum of $3000, the propriety of obtaining (if help be needed) a loan without interest, upon the plan proposed by the Assembly of 1893, instead of asking a grant, should be carefully considered, so that the weaker churches, not having such ability, may receive the grants they really need, and in case of buildings exceeding $5000 in cost, the application should be made ordinarily to the Loan Fund [General Assembly, 1897].

(8) The appropriation, whether grant or loan, is subject to the following provisions of Article xii of the General Assembly's plan, viz.:

"The condition of all donations from this source shall be that in case the church or congregation shall cease to be connected with the General Assembly, or their corporate existence shall cease, or their house of worship be alienated, except for the building or purchase of a better house of worship, they shall refund to the Board the amount which they have so received, with interest from the time of receiving it."

3. *Chapels.*—By an amendment to its charter, secured May 10, 1886, and by direction of the General Assembly, the Board is permitted in conjunction with the Woman's Board of Home Missions, and under specified conditions, to aid "in the establishment of schools and chapels among the exceptional populations of Mormons, Indians and Spanish-speaking people of the United States."

4. *Payments.*—After the appropriation is made, the conditions to be fulfilled before the payment of the money are as follows:

(1) Before any church shall receive the amount of aid granted it by

the Board, the trustees shall certify that the amount necessary to erect and complete their house of worship, less the amount of the grant of the Board, has been actually collected and expended upon the building, and that the sum to be received from the Board will entirely complete the building and leave the congregation free from debt; *Provided*, That in the case of a grant to a church that is the first to be organized in a new community in which there is previously no church of any evangelical denomination, the Board, after the lot has been secured to the congregation in fee-simple, and after a mortgage upon it to the Board for the amount of its grant has been effected, may, at its discretion, advance to the church from time to time before the completion of the edifice such installments of the amount of the grant as shall not at any time exceed one-half of the amount collected for the erection of the building, and one-half of the value of the lot, no such installment, however, being less than one-quarter of the amount of the grant.

(2) A mortgage upon the church property duly executed and acknowledged by the trustees, and recorded in the County Clerk's or Register's office, is to be returned to the Board with a certificate endorsed upon said mortgage by an attorney-at-law, designated by the Presbytery, to the effect that the church has a valid title to the property, and has full liberty to mortgage the same, and that said mortgage is a first lien upon the property, and has been properly executed, acknowledged and recorded according to law.

[" *Provided*, That in the case of churches located upon Indian reservations, where no title in fee-simple is attainable, the Board may accept, in place of the mortgage, a certificate of the trustees of the church, promising to carry out, as far as possible, the usual conditions of the mortgage; and also promising to execute the proper mortgage so soon as the laws of the Territory or of the State will permit" [General Assembly, 1889].

(3) A policy of insurance in some trustworthy company is to be procured by the Board, said policy to run five years. The premiums upon all policies are deducted from the amount of the grant in the first instance, and afterward, in accordance with the terms of the mortgage, the policies are renewed at the expense of the church aided.

[Blanks for the above-mentioned mortgages and for insurance surveys will be furnished by the Board. Care should be taken to secure accuracy in the form of the papers—especially the mortgage instruments—to be executed at the time of receiving the appropriation, as thus vexatious delay will be prevented. The Board is not at liberty to depart from the rules established by its charter and by the General Assembly.]

5. *Release of Mortgage.*—(1) Any church making an annual contribution to this Board of not less than ten per cent. of the amount originally granted to it shall be deemed as paying in such contribution an installment of like amount upon the mortgage held by the Board; and when such payments in the aggregate shall equal the amount of the grant, the Board shall execute a release of the mortgage, and thus remove its lien from the property of the church; *Provided*, That such church, at the time such contribution is sent, shall notify the Board that it desires such application thereof to be made [Art. xv].

(2) As securing the same result as the above provision, the Board will release any such mortgage upon the receipt, in one payment, of seventy-seven per cent. of the amount secured by such mortgage.

(3) Churches electing to receive the appropriations as a loan, and to make specified annual payments as provided (ii, 6), are also entitled, when full payment is made, to a release of the mortgage.

6. Plan and rules for Loan Fund.

1. Special contributions shall be invited from churches and individuals to establish "The Loan Fund of the Board of the Church Erection Fund," which fund shall be under the charge of said Board and administered by it as hereinafter provided.

2. Contributions to the Loan Fund may be also accepted by the Board, with the provision that such contributions shall be subject to the payment of interest to the donors during their lifetime; *Provided, however,* That all amounts so received shall be loaned only upon adequate securities, and that the aggregate amount of annual life-interest that the Board shall undertake to pay shall never be allowed to exceed two-thirds of the annual interest receivable on the entire loan fund of the Board.

3. No part of said fund shall ever be disposed of by gift for any purpose, or be used for current expenses, but it shall be preserved without diminution as a perpetual fund.

4. This fund shall be administered as entirely distinct from the general fund from which ordinary grants are made.

5. The Board may at its discretion make use of its permanent fund or the interest accruing therefrom as a part of the loan fund, and Article VI of the plan of the Board as reënacted by the Assembly of 1889 shall be construed in accordance with this rule.

6. *Conditions of loaning.*—Said fund may be loaned in small sums to such churches as shall be proper recipients under the following conditions:

(1) Loans shall be made only to such churches as give promise of permanent life and strength.

(2) No loan shall be made ordinarily to aid in the erection of an edifice costing more than $10,000.

(3) No loan to any one church shall ordinarily exceed either the sum of $5000, or one-half the value of the proposed lot and edifice.

(4) No loan shall be made to any church which is not incorporated (as provided by the charter of this Board), and which does not hold the title to its property in fee simple and unincumbered otherwise than to this Board; *Provided,* That in the case of churches building upon leasehold property, the Board, at its discretion, if it deems the security sufficient, may make the loan upon such mortgage as the Finance Committee and the counsel may approve.

7. *Provisions before payment.*—In the case of all such loans the following provisions shall be made:

(1) Satisfactory proof shall be given as to the title to the property by which the loan is to be secured.

(2) The loan shall be secured by the bond or notes of the corporation, by a mortgage upon the property benefited, and by a satisfactory collateral personal bond.

(3) Interest at six per cent. shall be charged in all ordinary cases, payable semi-annually.

8. *Return of Loans.*—(1) Loans shall be ordinarily returned within ten years in annual installments, the amount of each annual installment to be at the discretion of the Board.

(2) In all cases where interest and annual installments are promptly and fully paid, the Board may upon the final payment allow a rebate equal to one-half of the aggregate annual interest.

9. *Responsibilities of Presbyteries.*—(1) Applications for loans shall be indorsed by the Presbytery to which the church belongs, or by its Standing Committee upon Church Erection, under the same rules, so far as applicable, provided for the administration of the general fund.

(2) In cases of default in payment of either principal or interest, the Presbytery or its Committee shall coöperate with the Board in enforcing such payment, and loans may be withheld from churches within the bounds of Presbyteries where previous loans or the interest thereupon, more than a year overdue, remain unpaid.

10. *Preservation of the Fund.*—In order that the Fund may remain undiminished, the Board shall insist upon promptness in payment by the churches to which loans have been made, of both principal and interest; and in all ordinary cases after default has continued for more than a year it shall take the proper steps to enforce its claims.

In no ordinary case shall the Board make a subsequent grant from its general fund to relieve a church from the responsibility of repaying a previous loan.

7. Plan and rules of the Manse Fund.

1. *Applications.*—The Board meets statedly upon the fourth Monday in each month, and applications, in order to be considered, should reach the office not later than the preceding Friday.

[Owing to the meeting of the General Assembly, the May meeting is usually omitted and the June meeting held on the second Monday of the month.]

(1) An application for aid in building a manse should be made in form and upon a blank which will be furnished by the Board.

(2) The questions upon the blank should be answered as fully as possible.

(3) The application, when filled out, should be sent to the Committee upon Church Erection of the Presbytery to which the church belongs, in order to be approved by said Committee.

(4) The certificate (upon the third page of application) should be filled up and signed by the counsel designated by the Committee upon Church Erection of the Presbytery.

(5) The application thus perfected should be forwarded (together with any correspondence that may be of service in considering the matter) to the Corresponding Secretary of the Board.

It is recommended that before formal application is made to the Board, every effort be used to secure subscriptions in the community benefited by the church or proposed manse; but it is especially advised that private appeals be not made to other churches.

2. *Appropriations.*—(1) No loan shall be made to any congregation, unless such congregation own in fee-simple, and free from all legal incumbrance, the lot on which their manse is situated, or on which they propose to build.

(2) No loan shall be made for the payment of any debt of long standing, formerly contracted in building a manse.

(3) The appropriations of the Board for manses shall be made only

from such special gifts, and such portions of church collections as may be designated by the givers for this end.

(4) The appropriations in all ordinary cases shall be made as loans, the amount, without interest, to be paid by installments or otherwise, within three years, such loans never to exceed one-half of the cost of the building. In case the appropriation, for exceptional reasons, is a grant, then the amount shall not exceed one-third the cost of the building.

(5) Such limit shall be fixed as will confine the work to the feebler and mission churches.

3. *Payments.*—After the loan is voted, the conditions to be fulfilled before the payment of the money are as follows:

(1) Before any church shall receive the loan, the trustees shall certify that the amount necessary to erect and complete their manse, less the amount of the loan of the Board, has been collected and actually expended upon the building, and that the sum to be received from the Board will entirely complete the building, and leave the congregation free from debt for its erection.

(2) A mortgage upon the manse property duly executed and acknowledged by the trustees and recorded in the County Clerk's or Register's office, is to be returned to the Board with a certificate endorsed upon said mortgage by an attorney-at-law, designated by the Presbytery, to the effect that the church has a valid title to the property, and has full liberty to mortgage the same, and that said mortgage is a first lien upon the property, and has been properly executed, acknowledged and recorded, according to law.

(3) A policy of insurance in some trustworthy company is to be procured by the Board, said policy to run five years. The premiums upon all policies are deducted from the amount of the loan in the first instance, and when the loan is repaid, a rebate of unearned premium, if any, is returned.

[Blanks for the above-mentioned forms of mortgages and insurance will be furnished by the Board. Care should be taken to secure accuracy in the form of the papers—especially the mortgage instruments—to be executed at the time of receiving the appropriation, as thus vexatious delay will be prevented. The Board is not at liberty to depart from the rules established by its charter and by the General Assembly.]

VI. RELIEF FUND FOR DISABLED MINISTERS, AND THE WIDOWS AND ORPHANS OF DECEASED MINISTERS.

1. Early History.

a. The Assembly of 1849, O. S., adopted the following, viz.:

Whereas, There are many disabled and superannuated ministers in connection with the Presbyterian Church, and widows and families of Presbyterian ministers who are in indigent circumstances, and as the Church increases their number is likely to increase; and

Whereas, It is the duty of the Church to provide for those who have devoted their time and spent their energies in her service, and also for their families; and

Whereas, No local provision can effectually meet this object, and no efficient general provision has ever yet been made; therefore,

Resolved, 1. That in order to constitute a fund for the support of the widows and families of deceased ministers, and for the relief of super-

annuated and disabled living ministers, it is hereby enjoined upon all our Synods and Presbyteries to take such action as may secure a contribution annually.

Resolved, 2. That a column be added to the table of Statistical Reports for these contributions.

Resolved, 3. That the funds thus contributed be placed in the hands of the Board of Trustees of the General Assembly, to be disbursed by the Board of Publication upon the recommendation of Presbyteries, as the funds for Domestic Missions, Education and Church Extension are now appropriated.

Resolved, 4. That in order to the founding of a permanent fund for this same object, special contributions and legacies be invited from all parts of the Church, the principal of which shall be safely invested by the Board of Trustees of the General Assembly, and the interest to be added to the general fund provided for in a foregoing resolution.—1849, p. 266, O. S.

Overture No. 25.—A request from the Board of Publication, in answer to which the following minute was ordered, at the recommendation of the Committee, viz.:

The duty of disbursing the fund in aid of superannuated and disabled ministers and their families is hereby transferred from the Board of Publication to the trustees of the General Assembly.—1852, p. 224, O. S.

On a report of the trustees the Assembly adopted the following, viz.:

Resolved, 1. That it be earnestly recommended to the Presbyteries to take such action in regard to this matter as will tend to bring up the Church to the performance of her duty in regard thereto.

Resolved, 2. That every minister and church Session be earnestly requested to present this subject to their congregation during the coming year, and obtain a contribution to the object; which contribution shall be transmitted to the Treasurer of the Board of Trustees of the General Assembly, to be disbursed in an economical way, and upon an equitable ratio, upon application made through the Presbytery to which the party applying for relief naturally belongs, or a Committee of that Presbytery; the Board to report to the next General Assembly.—1856, p. 533, O. S.

A Committee was also appointed to digest and report to the next Assembly a scheme for future operations.

[NOTE.—See the report, *Minutes*, 1857, p. 218.]

b. The Assembly of 1861, N. S., in answer to an overture from the Presbytery of the District of Columbia, "On the subject of raising a fund to be applied to the aid of disabled ministers and their families," appointed a Committee to report to the next Assembly a plan of operations.—1861, p. 473. The Committee was enlarged and continued (1862, p. 38); discharged and a new Committee appointed (1863, p. 280). This Committee reported (1864, pp. 497–502), and the following was adopted:

Resolved, 1. That a fund, to be called "The Ministerial Relief Fund," for the relief of disabled ministers of good and regular standing, in connection with this body, and the families of ministers who have deceased while in our connection, be constituted, to be supplied by annual collections in all our churches, donations and legacies.

Resolved, 2. That in order to constitute and maintain such fund, it is

hereby enjoined upon all our Presbyteries to take such action as shall secure from every church an annual contribution thereto.

Resolved, 3. That this fund be entrusted to the trustees of the Presbyterian House, to be by them disbursed upon the recommendation of Presbyteries, upon such principles and rules of distribution as they shall deem most equal and beneficial.

Resolved, 4. That for the special oversight and care of the interest thus committed to them, the trustees are authorized to appoint a Secretary, prescribe his duties and determine his salary.—1864, p. 502, N. S.

That every Presbytery be directed to appoint a Standing Committee, whose duty it shall be to inquire into the necessities of disabled ministers, and of the widows and orphans of those deceased, with a view of bringing the cases of such to the notice of the Executive Committee of the Relief Fund.—1865, p. 30, N. S.

The Fund was committed by the Assembly to the Board of Trustees of the General Assembly.—1870, p. 123.

2. The Board of Relief constituted.

The Board of Ministerial Relief shall consist of twelve members, the Secretary and Treasurer being added as members, *ex-officio*, five members to constitute a quorum.

[Note.—For the members of the Board see *Digest*, 1886, p. 562.]

The new Board were instructed to meet at Philadelphia, June 20, for the purpose of organizing and taking the necessary steps looking to their incorporation under the laws of the State of Pennsylvania.—1876, p. 63.

3. The charter obtained.

Your Committee call attention to the fact that, in pursuance of the action of the last General Assembly (see *Minutes* of the General Assembly, 1876, p. 63), the late "Relief Committee" have been changed into "The Presbyterian Board of Relief for Disabled Ministers and the Widows and Orphans of Deceased Ministers," and a proper charter obtained from the legal authorities of the Commonwealth of Pennsylvania. A copy of this charter is found in the annual report of the Board, pp. 15–17. The Board asks the attention of the General Assembly (see *Report*, p. 11) to a requisition of the charter that this General Assembly shall, at its present meeting, elect twelve directors, in three equal classes, to serve respectively for one, two and three years, and until their successors shall be elected.—1877, p. 557.

4. The charter.

Whereas, "The General Assembly of the Presbyterian Church in the United States of America" has heretofore held and administered a fund for the relief of its disabled ministers and the needy widows and orphans of its deceased ministers, through a Committee of its Board of Trustees;

And Whereas, At meetings of said General Assembly, held at Brooklyn, in the State of New York, on May 29 and 31, 1876, it erected a Board of Ministerial Relief, and directed said Board to adopt suitable measures to obtain a proper charter from the legal authorities of the Commonwealth of Pennsylvania;

Now, in pursuance of said direction, the subscribers, composing said Board, adopt the following as the articles of said charter, viz.:

I. The name of the corporation shall be "The Presbyterian Board of Relief for Disabled Ministers and the Widows and Orphans of Deceased Ministers."

II. The purpose for which this corporation is formed is to receive, hold and disburse such real and personal estate as may be given to it for the relief and support of disabled ministers and the needy widows and orphans of deceased ministers of the said Church.

III. The place where its business is to be transacted is the city of Philadelphia, in the State of Pennsylvania.

IV. The term for which it is to exist is in perpetuity.

V. The number of its directors for the first year, expiring in May, 1877, shall be twelve, and the corresponding secretary and treasurer, whose names and residences are as follows, viz.:

Villeroy D. Reed, Camden, New Jersey.
Elias R. Beadle, Philadelphia, Pennsylvania.
Charles A. Dickey, Philadelphia, Pennsylvania.
Henry E. Niles, York, Pennsylvania.
J. H. Mason Knox, Bristol, Pennsylvania.
J. Frederick Dripps, Philadelphia, Pennsylvania.
John C. Farr, Philadelphia, Pennsylvania.
William G. Crowell, Philadelphia, Pennsylvania.
George Junkin, Philadelphia, Pennsylvania.
Samuel Hood, Philadelphia, Pennsylvania.
William E. Tenbrook, Philadelphia, Pennsylvania.
Robert Cornelius, Philadelphia, Pennsylvania.
George Hale, Pennington, New Jersey, *Corresponding Secretary.*
Eugene G. Woodward, Philadelphia, Pennsylvania, *Treasurer.*

VI. The business of the corporation shall be managed by a Board of Directors, consisting of twelve, and the corresponding secretary and treasurer, who shall be *ex officio* members, and of whom five shall be a quorum, and such officers and committees under its supervision as it may elect and appoint.

The said General Assembly shall, at its next annual meeting, in May, 1877, elect twelve directors in three equal classes, to serve respectively for one, two and three years, and until their successors shall be elected; and at each annual meeting thereafter shall elect four persons to serve as directors for three years and until their successors shall be elected, and shall fill all vacancies that may exist in the Board.

At least one person in each class, and on each annual election, shall be a citizen of the Commonwealth of Pennsylvania.

VII. The officers of the Board shall be a president, vice-president, corresponding secretary, recording secretary and treasurer, who shall be elected by the Board by ballot at the annual meeting which shall be held during the month next succeeding the annual meeting of the General Assembly, and whose duties shall be defined by the by-laws.

VIII. All the business of the corporation shall be conducted by the Board under and subject to the direction of the said General Assembly, and in accordance with the laws of the Commonwealth of Pennsylvania and of the United States of America.

The foregoing Charter was obtained on October 21, 1876, under the Act of the Legislature of Pennsylvania of 29th April, 1874, and on the same day was recorded in the office of the Recorder of Deeds for the City of Philadelphia, in Charter Book No. 3, page, 186, etc.

The Act aforesaid provides that a corporation created under it shall have the following powers (see Brightly's *Digest*), viz.:

"I. To have successors by its corporate name, for the period limited by its charter; and when no period is limited thereby, or by this Act, perpetually: subject to the power of the General Assembly under the Constitution of this Commonwealth.

"II. To maintain and defend judicial proceedings.

"III. To make and use a common seal, and to alter the same at pleasure.

"IV. To hold, purchase and transfer such real and personal property as the purposes of the corporation require, not exceeding the amount limited by its charter or by law.

"V. To appoint and remove such subordinate officers and agents as the business of the corporation requires, and to allow them a suitable compensation.

"VI. To make by-laws, not inconsistent with law, for the management of its property, the regulation of its affairs and the transfer of its stock.

"X. Each of the said corporations may hold real estate to an amount

the clear yearly value or income whereof shall not exceed twenty thousand dollars."

5. Rules of the Board of Relief.

Appropriations.—1. Only members of Presbyteries in connection with the General Assembly of our Church, and the families of those who were at their death in such connection, and lay missionaries and their families, are entitled to aid; and no adults shall be entitled to aid, who are not members of, and who do not acknowledge the jurisdiction, nor submit to the discipline of the Presbyterian Church in the United States of America, unless such extraordinary circumstances should exist, as to make it, in the judgment of the Board, wise and right to admit their claim.

2. The General Assembly of 1880 directed that in ordinary cases no appropriations can be made to ministers simply because they are poor. In order to receive aid they must be disabled by disease, or the infirmities of age, so as to be unable to sustain themselves by some suitable employment (*Minutes* of General Assembly, 1880, p. 21, and 1889, p. 32).

3. The General Assembly of 1880 directed, "That, in case of a minister who voluntarily, and in health, leaves the work of the ministry for some secular employment, and follows that for a series of years, and then, by failure of business, has come to want, such a course should ordinarily be regarded as a voluntary relinquishment of all claim upon the funds of the Board" (*Minutes* of General Assembly, 1880, p. 21).

4. Except for ministers Honorably Retired, all appropriations are made for one year, unless otherwise ordered; and the renewals for appropriations must be made from year to year.

5. All the appropriations are paid in advance, provided the funds of the Board will allow this to be done. If the appropriation is not more than one hundred and fifty dollars it is paid in advance in one payment. When an appropriation is more than one hundred and fifty dollars per annum, it is paid in two equal installments, semi-annually in advance.

6. While the responsibility of recommending applicants rests with the Presbyteries, and these recommendations largely govern the action of the Board, yet there is reserved to the Board the right to appropriate according to the merits of the case, and the state of the treasury.

Honorably Retired Ministers.—7. Every honorably retired minister over seventy years of age, who is in need, and who has served our Church as a missionary of the Home or Foreign Board, or of the Board of Missions for Freedmen, or as a pastor, or stated supply, for a period in the aggregate not less than thirty years, shall be entitled by such service to draw from the Board of Ministerial Relief an annual sum for his support, without the necessity of being annually recommended therefor by the Presbytery. When such a minister shall certify to the Presbytery the fact and amount of his need, not exceeding $300 per annum, it shall be the duty of the Stated Clerk to forward the application to the Board, with his endorsement thereon, as to the years of service such minister has rendered, his field or fields of labor, with the term of service in each, and also to certify that the same has been reported to the Presbytery and is recorded upon its Minutes. It shall then be the duty of the Board to pay such annual amount so long as the applicant shall live, unless otherwise directed by the Presbytery or the applicant himself, in view of a change in his circumstances that may make the appropriation in whole or in part no longer necessary (*Minutes* of General Assembly of 1889, p. 32; 1891, pp. 33 and 44; 1894, p. 35).

Disabled Ministers.—8. An annuity to a minister who has not been in the aggregate thirty years in active service in the Presbyterian Church as a missionary of the Home or Foreign Board, or of the Board of Missions for Freedmen, or as pastor or stated supply, is made on the recommendation of that Presbytery, or of a Standing Committee of that Presbytery to which the applicant belongs; and the recommendation in each case must be annually renewed. An application for aid should in case of such minister, state his age, his circumstances and the number of years he has been in the ministry; and the sex and age of the children who are dependent on him for support.

Lay Missionaries.—9. The Assembly of 1889 directed as the best method for the present for supplying a felt need, that the names of regularly appointed Lay Missionaries of the Foreign Board and their families shall also be placed upon the roll of the Board the same as ministers. In their applications for aid, lay missionaries shall be governed by the rules that apply to ministers (*Minutes* of General Assembly of 1889, p. 32, and report of Board in *Minutes* of Assembly of the same year, p. 240).

Women.—10. Women who have given themselves to missionary work, and have labored five years under the Home or Foreign Board, or under the Board of Missions for Freedmen, may receive aid from this Board, upon the same conditions as ministers. They may be recommended by the Presbytery in the bounds of which they reside, or by the Presbytery having jurisdiction of the church of which such missionaries may be members, and their applications should have the endorsement of the Board under which they have held commissions (*Minutes* of General Assembly of 1885, p. 592; 1888, p. 33; 1894, p. 35).

11. If the application for aid be for a widow of a minister, it may be made by the Presbytery within whose bounds the family resides, or preferably by the Presbytery with which her husband was connected at the time of his death (*Minutes* of General Assembly of 1884, p. 48).

Unless the applicant is well known, the Committee of Ministerial Relief should always secure the endorsement of the Session of the church of which the applicant is a member, to the effect that she needs, and is deserving of the aid for which application is made.

12. When a woman contracts marriage with a retired minister who is receiving aid from the Board, she shall not be entitled at his death to become a beneficiary of the Board.

13. The widow of a minister who remarries outside of the ministry thereby relinquishes all claims upon the Board, and should she again become a widow she would not be entitled to aid.

14. Except in extraordinary cases, no appropriation will be made to the widow of a minister who has children able to give her support (*Minutes* of General Assembly of 1880, p. 21).

Orphans.—15. Aid may be given to orphans of ministers and lay missionaries, as the General Assembly says, who are "under the age at which they are able to earn their own living," and in exceptional cases to orphans who have been from early years "chronic invalids." The same rule applies in case of orphans asking for aid, as in the case of other beneficiaries of the Board in regard to recommendations and annual renewals (*Minutes* of General Assembly of 1889, p. 32).

Guests at Perth Amboy.—16. Applications for admission to the Presbyterian Ministers' House, at Perth Amboy, N. J., are to be made by

the Presbyterial Committee in accordance with the foregoing rules. Guests are admitted to the Ministers' House in lieu of an appropriation of money. Any guest of the House, who, in the judgment of the Superintendent, may be a hindrance to its usefulness and to the comfort of the other guests, shall be reported by her to the Committee in charge, who shall have power, after an investigation of all the circumstances, to recommend to the Board an appropriation in money for the support of such guest, in lieu of a residence at the House. Guests at the Ministers' House must be annually recommended for free residence there by the Presbyteries.

VII. THE BOARD OF MISSIONS FOR FREEDMEN.

1. The plan adopted in 1870.

In view, therefore, of all the papers submitted, and of the whole subject as we have been able to examine it, your Committee would recommend the adoption of the following resolutions, to wit:

Resolved, 1. That the Assembly's Committee on Freedmen, and the Freedmen's Department of the Presbyterian Committee of Home Missions, and their Secretaries, are hereby commended for their fidelity and energy in the prosecution of the work committed to their charge, that their reports be printed for circulation in the churches, and that they be directed to continue the work until the reorganization is completed.

Resolved, 2. That the work of the Presbyterian Church for the colored race in this country, including both their religious and educational interests, shall be conducted by a Committee to be located in the city of Pittsburgh, Pa., to be known by the name, style and title of "The Presbyterian Committee of Missions for Freedmen," and that this Committee shall consist of twelve members, of whom five shall be a quorum, to meet on their own adjournment.

Resolved, 3. That this Committee be directed to organize on Thursday, June 16, at 3 o'clock P.M., in the lecture-room of the First Presbyterian Church of Pittsburgh, Pa., and that the Stated Clerk of the Assembly be directed to give official notice to the members of their election.

Vacancies occurring in this Committee, by resignation or otherwise, may be filled by the Committee (until the meeting of the next Assembly) at any regular meeting, of which election due notice has been given.

Resolved, 4. That the Assembly's Committee on Freedmen, and the Freedmen's Department of the Presbyterian Committee of Home Missions, are hereby directed, on the organization of this Committee, or at as early a time as can be done safely, to transfer to the Committee of Missions for Freedmen all papers, documents, moneys and properties then in their hands or under their control pertaining to the work; and further, these organizations are continued as at present constituted for the purpose of receiving and paying over to the Committee of Missions for Freedmen all moneys which may come into their hands for this work by legacy or otherwise.

Resolved, 5. That the Assembly recommend to the Boards of the Church to coöperate with the Committee of Missions for Freedmen in conducting its work.

Resolved, 6. That in view of the fact that only one-third of our

churches contributed to this cause during the past year, each Presbytery be required to appoint a Committee of one, whose duty it shall be, by correspondence or otherwise, to see that this cause is brought before each church for its generous contribution.

To conclude: In the judgment of your Committee, the great need of the Freedmen to-day is a supply of competent preachers and teachers, raised up from among themselves. For help in this matter we look with hope to Lincoln University, at Oxford, Pa.; to Biddle Memorial Institute, at Charlotte, N. C.; to the Normal School of Winchester, Va.; and to other similar institutions established by our Church. We urge especially the necessity of providing schools where females may enjoy advantages that may enable them to keep pace with the other sex in intellectual and moral elevation.

The Committee beg leave to nominate the following persons to constitute the Presbyterian Committee of Missions for Freedmen:

Ministers—James Allison, D.D., Samuel J. Wilson, D.D., John Gillespie, Peter S. Davies, Frederick A. Noble, Elliott E. Swift.

Laymen—Joseph Albree, John C. McComb, Robert C. Totten, Oliver McClintock, James B. Lyon, George B. Logan.—1870, p. 105.

[NOTE.—The Committee was authorized to apply for a charter (*Minutes*, 1882, p. 32), which was obtained under the title of the Presbyterian Board of Home Missions for Freedmen of the Presbyterian Church in the United States of America.—1883, p. 592. See below, 3.]

2. Relative duties and authority of the Board and the Presbyteries.

Overture, from the Presbytery of Washington City, asking the Assembly to define the relative duties and authorities of the Freedmen's Board and the Presbyteries, in relation to the Freedmen churches under their care.

Your Committee recommend: That all operations of the Board, within the bounds of any Presbytery, should be originated and conducted with due recognition of the Presbytery and its agencies, according to the following specifications:

1. While appropriations of aid to churches are to be made on the recommendation of Presbyteries, the Assembly regards the Board as having the right to refuse or modify such appropriations; but in every case of refusal or modification, the Board shall promptly present to the Presbytery a written statement of the reasons for so doing.

2. In questions touching the organization of churches, or the character of ministers, the Board, in case of differences between the Presbytery and itself, should abide by the final judgment of the Presbytery.

3. In the establishment and maintenance of schools, the Board should carefully consider the recommendations of the Presbytery; but should act finally on its own judgment.

The recommendations of the Committee were adopted.—1884, p. 48.

3. Charter of the Board of Missions for Freedmen of the Presbyterian Church in the United States of America.

To the Honorable the Judges of the Court of Common Pleas, No. 2, of Allegheny County, Commonwealth of Pennsylvania:

The undersigned citizens of the said Commonwealth respectfully represent: That under the rules and usages of the Presbyterian Church of the United States of America they are desirous of being incorporated pursuant to the Act of the General Assembly of the said Commonwealth of Pennsylvania, entitled "An Act to provide for the incorporation and regulation of certain Corporations, approved the twenty ninth day of April, A.D. one thousand eight

hundred and seventy-four, and the several supplements thereto." Herewith stating the object and purposes thereof:

SECTION 1. Elliott E. Swift, James Allison, Samuel J. Wilson, Samuel J. Fisher, Charles L. Thompson, John M. Richmond, John C. McCombs, Robert C. Totten, James B. Lyon, William C. Aughinbaugh, Robert S. Davis and Charles W. Hubbard designated for this purpose by the General Assembly of the Presbyterian Church in the United States of America which met at Springfield, in the State of Illinois, in the month of May, Anno Domini one thousand eight hundred and eighty-two, and their successors in office chosen from time to time by the said General Assembly, are hereby constituted a body politic and corporate, to have perpetual succession by the name of "The Board of Missions for Freedmen of the Presbyterian Church in the United States of America," the object of which shall be to assist in sustaining the preaching of the Gospel among the freedmen of the United States of America, in building and erecting and maintaining churches, schools, academies, colleges and institutions of learning, for their benefit and to superintend the whole work of missions and education among them in behalf of the said Church, as the General Assembly may from time to time direct; also to receive, take charge of and disburse all property and funds which may at any time and from time to time, be entrusted to said Church or said Board of Missions for said freedmen for missionary or educational purposes.

SEC. 2. The said corporation shall possess the general powers and be subject to the provisions contained in Section one of the said Act of Assembly, approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and seventy-four and its supplements, so far as the same is applicable.

SEC. 3. That said corporation shall in law be capable of taking and receiving and holding any real or personal estate which has been or may hereafter be given, devised or bequeathed to it or to the General Assembly, or to any one in trust for the purposes aforesaid and in conformity with existing statutes, or which may accrue from the use of the same, and the same to sell, mortgage, alien, demise and convey, and to invest and reinvest in mortgages, stocks, bonds or other securities, any money received for purposes aforesaid by gift, devise or bequest; *Provided always*, That the clear yearly income of real estate held by said corporation shall not at any time exceed the amount fixed by law or existing statutes.

SEC. 4. The management and disposition of the funds and affairs of said corporation shall be vested in the individuals named aforesaid and their successors in office, who shall remain in office for such period and be displaced and succeeded by others, to be elected at such time and in such time and in such manner as the said General Assembly of the Presbyterian Church in the United States of America shall direct and appoint.

In testimony whereof, we have hereunto set our hands and seals this ———— day of August, Anno Domini one thousand eight hundred and eighty-two.

ELLIOTT E. SWIFT,	(Seal)
JAMES ALLISON,	(Seal)
S. J. WILSON,	(Seal)
ROBERT C. TOTTEN,	(Seal)
JAMES B. LYON,	(Seal)
ROBERT S. DAVIS,	(Seal)
C. W. HUBBARD,	(Seal)
W. C. AUGHINBAUGH,	(Seal)
JOHN C. MCCOMBS.	(Seal)

STATE OF PENNSYLVANIA, }
COUNTY OF ALLEGHENY. }

Before me, William H. Graham, Recorder of said county, personally came Robert S. Davis, William C. Aughinbaugh and J. C. McCombs, three of the subscribers to the foregoing Articles of Association, who acknowledged the same on behalf of themselves and their associates to be their act and deed as required by the Act of Assembly in such case made and provided.

In witness whereof I have hereunto set my hand and official seal this twenty-fourth day of August, Anno Domini one thousand eight hundred and eighty-two.

[L. S.]

WILLIAM H. GRAHAM,
Recorder.

IN COURT OF COMMON PLEAS NO. 2 OF ALLEGHENY COUNTY.

In the matter of the incorporation of "The Board of Missions for Freedmen of the Presbyterian Church in the United States of America."

The within certificate and Articles of Association having been presented to the Honorable J. W. F. White, a Law Judge of the Court of Common Pleas No. 2, of said county, the certificate of the Recorder of said county being endorsed thereon, accompanied with proofs of publication as required by law, and the said Judge having perused and examined said instrument and it being found in proper form, in accordance with the second section of the Act of Assembly approved twenty-ninth of April, one thousand eight hundred and seventy-four, and said intended corporation appearing to be lawful and not injurious to the community.

And now, to wit, September sixteenth, one thousand eight hundred and eighty-two, it is ordered and decreed that the said Charter be approved, and upon the recording of the same with this order the subscribers thereto and their associates shall be a corporation for the purpose and trusts therein stated, and that this decree and said charter shall be recorded in the Office for Recording Deeds in said County of Allegheny, and thenceforth the persons named therein and subscribed thereto, with their associates and successors, shall be a corporation by the name herein given. *Per Curiam.*

[L. S.]

From the record,
J. O. BROWN, *Prothonotary.*

VIII. THE BOARD OF AID FOR COLLEGES AND ACADEMIES.

1. Establishment and constitution of the Board.

The Special Committee on Education appointed by the Assembly of 1881, enlarged and continued by the Assembly of 1882, herewith report (see *Minutes*, 1883, pp. 581–590). The recommendations were adopted, viz.:

1. That a definite agency be instituted that shall have in charge the interests of higher education as connected with the Presbyterian Church.

2. That this agency be a separate and independent Board, with its distinct officers and work.

3. That the Board be constituted under the following provisions, viz.:

A. The name of this Board shall be "The Presbyterian Board of Aid for Colleges and Academies;" and the general work shall have the limitations indicated by its title.

B. The Board shall consist of twenty-four members, divided into three classes, composed equally of ministers and laymen, and one class shall be elected each year.

C. The officers of this Board shall be a President, Vice-President, Treasurer and Permanent Secretary.

D. In the constitution of the Board the different parts of the country shall be equitably represented.

E. The headquarters of the Board shall be at Chicago, and the Executive Committee of the Board shall be residents in Chicago or in the immediate vicinity.

F. Meetings of the Board may be held at different points in the country as the Board shall elect.

G. The province of the Board shall be to secure an annual offering from the churches for this cause; to coöperate with local agencies in determining sites for new institutions; to decide what institutions shall be aided; to assign to those institutions seeking endowment the special fields open to their appeals, that clashing between them may be avoided; and to discourage all independent appeals to the Church at large.

H. The funds received by the Board shall be devoted either to current expenses of struggling institutions, or to permanent endowments.

The funds shall be secured (*a*) by annual offerings from the churches, mainly for current expenses of the institutions; (*b*) by special applications for endowment under the approval and general direction of the Board.

I. (*a*) Every institution hereafter established, as a condition of receiving aid, shall be either organically connected with the Presbyterian Church in the United States of America, or shall by charter provision perpetually have two-thirds of its Board of Control members of the Presbyterian Church.

(*b*) In the case of institutions already established, and not included under the above provisions, appropriations for endowment shall be so made as to revert to the Board whenever these institutions shall pass from Presbyterian control.

(*c*) In all other respects the disbursement of funds by the Board shall be wholly discretionary with the Board, both as to amount and direction, subject always to the control of the General Assembly.

4. That the Board be chartered under the laws of the State of Illinois, and under the laws of such other States as may at any time hereafter, by said Board, be deemed necessary or advisable, and be empowered to receive legacies, bequests and devises.

5. That a Committee be now appointed to report to this Assembly the names of twenty-four members for this Board, and any needed directions for organization; and that when so reported and approved by this Assembly, said members shall be authorized and enjoined to perfect the organization of the Board at the earliest possible date, and to proceed at once to its vast and responsible work.—1883, p. 589.

[Note.—For the organization of the Board, see *Minutes*, 1883, pp. 645, 646; *Digest*, 1886, pp. 570.]

2. The Bible to be used as a text-book.

a. *Resolved*, That no institutions be taken under the care of this Board, unless the Bible be systematically used as a text book in the curriculum; and that the institutions be required to show in detail, in their spring reports to the Board, what response they have made to this requisition; and that the Board be instructed to withhold, at its discretion, the annual appropriation in all cases in which the spirit of this requisition does not appear to have been met.—1889, p. 48.

b. *Resolved*, That the General Assembly hereby directs the Board to adhere diligently to the following points in the policy of its management, viz., the systematic study of the Bible by every student. The rules by which it assures full Presbyterian control of institutions and of all property funds invested through the Board. The refusal of the Board to incur debt or to allow its institutions to live beyond their income. The prohibition of the solicitation of funds by institutions except from personal friends or in their own regions, the Board itself to solicit, and to distribute funds, and to secure them to the Church.—1894, p. 86.

3. The Charter of the Board of Aid for Colleges and Academies.

State of Illinois—Department of State.

Henry D. Dement, *Secretary of State.*

To all to whom these presents shall come—Greeting:

Whereas a certificate, duly signed and acknowledged, having been filed in the office of the Secretary of State on the sixth day of October, Anno Domini one thousand eight hundred and eighty-three, for the organization of "The

Presbyterian Board of Aid for Colleges and Academies," under and in accordance with the provisions of "An Act Concerning Corporations," approved April eighteen, one thousand eight hundred and seventy-two, and in force July one, one thousand eight hundred and seventy-two, a copy of which certificate is hereto attached.

Now, therefore, I, Henry D. Dement, Secretary of State of the State of Illinois, by virtue of the powers and duties vested in me by law do hereby certify that the said "The Presbyterian Board of Aid for Colleges and Academies" is a legally organized corporation under the laws of this State.

In testimony whereof I hereto set my hand and cause to be affixed the great seal of State.

SEAL OF THE STATE OF ILLINOIS.

Done at the city of Springfield this sixth day of October, in the year of our Lord one thousand eight hundred and eighty-three, and of the Independence of the United States the one hundred and eighth.

HENRY D. DEMENT.
Secretary of State.

STATE OF ILLINOIS, } ss.:
COUNTY OF COOK. }

To the Secretary of State of the State of Illinois:

Whereas, The "General Assembly of the Presbyterian Church in the United States of America," at its annual meeting held at Saratoga Springs, in the State of New York, in the month of May, Anno Domini one thousand eight hundred and eighty-three, did constitute and establish a Board or Commission under the name, style and title of "The Presbyterian Board of Aid for Colleges and Academies," the same to be subordinate and subject to the general supervision and control of the said General Assembly, which said Board was by said General Assembly charged and entrusted with the interests of higher education as connected with the said Presbyterian Church.

And Whereas, The said General Assembly at said meeting ordered that said Board shall consist of twenty-four members, divided into three classes, composed equally of ministers and laymen of said Church, and that one class shall be elected each year, the same to be elected by said General Assembly.

And Whereas, The said General Assembly did elect the following named persons to be members of said Board to serve for the periods as stated below, to wit:

Ministers to serve for one year—
- Rev. Howard Crosby, of New York, N. Y.
- Rev. Matthew Newkirk, of Philadelphia, Pa.
- Rev. Hervey D. Ganse, of St. Louis, Mo.
- Rev. John De Witt, of Cincinnati, O.

Laymen to serve for one year—
- Benjamin Harrison, of Indianapolis, Ind.
- John S. McDonald, of Fond du Lac, Wis.
- William O. Hughart, of Grand Rapids, Mich.
- William A. Woods, of Indianapolis, Ind.

Ministers to serve for two years—
- Rev. George D. Baker, of Detroit, Mich.
- Rev. John N. Freeman, of Milwaukee, Wis.
- Rev. Abbot E. Kittredge, of Chicago, Ill.
- Rev. Robert F. Semple, of Minneapolis, Minn.

Laymen to serve for two years—
- Samuel M. Breckenridge, of St. Louis, Mo.
- Dan P. Eells, of Cleveland, O.
- Cyrus H. McCormick, Jr., of Chicago, Ill.
- Otis D. Swan, of Emporia, Kans.

Ministers to serve for three years—
- Rev. Herrick Johnson, of Chicago, Ill.
- Rev. Simon J. McPherson, of Chicago, Ill.
- Rev. John W. Dinsmore, of Bloomington, Ill.
- Rev. Thomas H. Cleland, of Keokuk, Ia.

Laymen to serve for three years—
- Charles M. Henderson, of Chicago, Ill.
- Charles M. Charnley, of Chicago, Ill.
- Homer N. Hibbard, of Hyde Park, Ill.
- Robert H. McClellan, of Galena, Ill.

And Whereas, Said General Assembly did order and direct that said Board obtain a charter and become incorporated under the laws of the State of Illinois:

Now, therefore, we the undersigned, Herrick Johnson, John N. Freeman, Abbot E. Kittredge, John W. Dinsmore, Simon J. McPherson, Matthew Newkirk, Hervey D. Ganse, Otis D. Swan, William O. Hughart, John S. McDonald, Charles M. Henderson, Robert H. McClellan and Homer N. Hibbard, citizens of the United States, propose to form a corporation under an Act of the General Assembly of the State of Illinois, approved April eighteenth, one thousand eight hundred and seventy-two, and that for the purpose of said organization we hereby state as follows, to wit:

1. The name of such corporation is "The Presbyterian Board of Aid for Colleges and Academies."

2. Said corporation is not for pecuniary profit.

3. The objects for which it is formed are the securing and receiving money or other property in any legal manner authorized and approved by the General Assembly of the Presbyterian Church in the United States of America. The money and property thus received to be devoted to current expenses or to permanent endowments of struggling institutions of learning or to the establishment of new institutions and to defray the necessary expenses of said Board.

Every institution of learning, as a condition of receiving aid, shall be either organically connected with the Presbyterian Church in the United States of America, or shall by charter provision have two-thirds of its Board of Control members of the Presbyterian Church.

In the case of institutions already established and not included under the above provisions appropriations for endowment shall be so made as to revert to the Board whenever such institution shall pass from Presbyterian control.

4. The management of the aforesaid corporation shall be vested in the entire Board of twenty-four members, who shall hereafter be designated and elected by the General Assembly of the Presbyterian Church in the United States of America, as recited in the preamble to this certificate; and the persons who may be so elected shall be, by virtue of such election, members of the Board incorporated pursuant to this certificate.

5. The person whose names are written in the preamble to this certificate are hereby selected to control and manage said corporation for the first year of its corporate existence.

6. The location is in the city of Chicago, in the County of Cook and State of Illinois.

HERRICK JOHNSON,
ABBOT E. KITTREDGE,
JOHN N. FREEMAN,
CHARLES M. HENDERSON,
JOHN W. DINSMORE,
SIMON J. MCPHERSON,
WILLIAM O. HUGHART,
OTIS D. SWAN,
MATTHEW NEWKIRK,
ROBERT H. MCCLELLAN,
JOHN S. MCDONALD,
HERVEY D. GANSE,
HOMER N. HIBBARD.

STATE OF ILLINOIS, } ss.:
COUNTY OF COOK. }

I, James J. Noble, a Notary Public in and for the County and State aforesaid, do hereby certify that on this nineteenth day of September, Anno Domini one thousand eight hundred and eighty-three, personally appeared before me Herrick Johnson, Abbot E. Kittredge, John N. Freeman, Charles M. Henderson, John W. Dinsmore, Simon J. McPherson, William O. Hughart, Otis D. Swan, Matthew Newkirk, Robert H. McClellan, John S. McDonald, Hervey D. Ganse and Homer N. Hibbard, to me personally known to be the same persons who executed the foregoing statement, and severally acknowledged that they had executed the same for the purposes therein set forth.

In witness whereof I have hereunto set my hand and notarial seal the day and year last above written.

JAMES J. NOBLE,
Notary Public.

(Seal)

UNITED STATES OF AMERICA, STATE OF ILLINOIS. } ss.: OFFICE OF SECRETARY.

I, Isaac N. Pearson, Secretary of State of the State of Illinois, do hereby certify that the foregoing is a true copy of *The Articles of Incorporation of The Presbyterian Board of Aid for Colleges and Academies*, the original of which is now on file in this office.

In witness whereof I hereto set my hand and affix the great seal of State at the city of Springfield this thirteenth day of March, Anno Domini one thousand eight hundred and ninety.

I. N. PEARSON,
Secretary of State.

(Seal)

IX. THE SPECIAL COMMITTEE ON SYSTEMATIC BENEFICENCE.

[NOTE.—In 1871, *Minutes*, p. 551, the Assembly appointed "A Committee on Benevolence and Finance," and adopted a plan of its proceedings. See *Minutes*, 1871, p. 551. In 1872 the plan was amended and adopted (1872, pp. 49, 50; see *Digest*, 1886, p. 455; *Minutes*, 1873, p. 507). The "Committee on Benevolence and Finance" was discontinued (1874, p. 26; 1875, p. 530; 1878, p. 574). In 1879 the Standing Committee on Benevolence presented a *résumé* of the action of the Assembly since 1871 (*Minutes*, 1879, pp. 622, 623; *Digest*, 1886, pp. 566, 567).]

1. Appointment.

Resolved, That the General Assembly appoint a Permanent Committee on Systematic Beneficence (a Committee of organization and instruction), whose duties shall be those specified in this report, who shall make their report annually to the General Assembly.

Resolved, This Committee shall consist of five members, three ministers and two elders. Adopted.—1879, pp. 622, 623.

2. The committee enlarged to twelve.

1. That the Permanent Committee be enlarged to twelve, so as to distribute its labors more widely; and they suggest that Cleveland be its centre, with the following persons as members of the Committee: *Ministers*—Arthur Mitchell, Charles S. Pomeroy, Henry M. MacCracken, I. Williams Cochran, Arthur T. Pierson, William T. Wylie; *Elders*—Dan P. Eells, Archibald McClure, William Batewell, Thomas Kane, Walter Carter, H. C. Noble.

2. We recommend that the work be prosecuted in the future, as in the past two years, in full sympathy with all of our Boards, endeavoring to secure from every member of every church, an adequate contribution for each of our objects of benevolence, and that, for this purpose, every Presbytery and Synod should have a Committee on Systematic Beneficence, each church should have a plan of giving, and each member should be taught to set apart regularly a certain proportion of his income to the Lord.

3. Each Session is desired to fill, according to past injunctions of the Assembly, the statistical blank sent them in the interests of this Committee. Adopted.—1881, p. 572.

3. Name changed. Work and expenses.

Resolved, That the name of the "Permanent Committee on Systematic Beneficence" be changed to the "Special Committee on Systematic Beneficence."

That the expenses of the Committee for the past year to the amount of $490.30 be paid out of the Contingent Fund of the General Assembly.—1887, p. 122.

Resolved, That a sum not to exceed $1000 be appropriated to carry on the work of this Committee for the next year.—1894, p. 147; 1895, p. 84; 1896, p. 90; 1897, p. 99.

That instruction and authority be given to the Committee on Systematic Beneficence to furnish, free of charge, subscription blanks and collection envelopes, to all who apply for them, for the purpose of securing larger gifts for the work of our Church, the cost of the same, including the postage, to be met by the several Boards in whose interests this service is rendered.—1897, p. 99.

X. THE PERMANENT COMMITTEE ON TEMPERANCE.

1. Organization and work.

[NOTE.—A Special Committee of nine was appointed in 1880 (*Minutes*, p. 75), to whom was referred the question of a Permanent Committee of the Assembly on Temperance; they report:]

They would, therefore, recommend that this Assembly appoint a Permanent Committee on Temperance, which shall consist of fifteen members, eight ministers and seven laymen, a majority of whom shall reside in and near New York; who shall hold their first meeting in that city on the second Tuesday of June next; and then and there divide by lot into three separate sections of five each, to hold office for one, two and three years; their successors to be appointed each year for a term of three years by the General Assembly; the said Committee to adopt their own by-laws, subject to the approval of the Assembly.

The duty of this Permanent Committee shall be, to seek to quicken and to unite our Synods and churches in suitable measures for promoting the Temperance reform; to mature and report action on the subject to the General Assembly; to gather and report such statistics as may be of value and interest to the Church; to call attention to the deliverances of the Assembly on temperance, and recommend to the Board of Publication the issue of suitable work on the subject; to codify the previous acts of the Assembly on temperance for publication by the Board; and to initiate measures for promoting similar action by other branches of the evangelical Church. The expense of such publications shall be borne by the Board. Adopted.—1881, p. 537.

2. The committee reorganized and located at Pittsburgh.

Resolved, That the Permanent Committee on Temperance be continued as the natural complement to the similar Committees in Presbyteries and Synods, and as completing the organic bond between the Presbyterian Church and the great temperance movement.

Resolved, That, in the judgment of this Assembly, the work thus far practicable on the part of this Committee is not sufficiently large or extensive to demand a Corresponding Secretary, all of whose time shall be given to this work, and that the contributions from the churches do not justify at present such an outlay.

Resolved, That the resignation of the Corresponding Secretary should be accepted by the Committee, and that the Committee be requested to carry on the work as economically as possible, leaving the future to show whether the work shall so expand and the coöperation of the churches so increase as to justify larger administrative force and corresponding expenditure.

Resolved, That the Permanent Committee be reorganized, as follows:

That its headquarters shall be in Pittsburgh, Pa.; that it be composed of the following: *Ministers*—Elliott E. Swift, D.D., Chairman; William O. Campbell, D.D., William J. Holland, Isaac N. Hays, D.D., J. P. E. Kumler, D.D., Neville B. C. Comingo; *Elders*—C. L. Rose, O. L. Miller, M.D., J. H. Baldwin, Thomas H. Rabe, Robert S. Totten, William B. Negley. And the Committee shall determine by lot the several terms of their service and report the result to the Stated Clerk for insertion in the *Minutes* of the Assembly.

Resolved, That the deficiency of the late Permanent Committee on Temperance, to the amount of $2100, be paid by the Stated Clerk of the General Assembly, out of the Contingent Fund of the Assembly of 1887, provided there be no objection made to such appropriation of said fund on the part of a majority of the Presbyteries.—1886, p. 235.

3. Coöperation with Committee. Provision for expenses.

a. The report of the Standing Committee on Temperance was reconsidered, and the fourth recommendation (p. 72) of the Committee appropriating $500 for the expense of the Permanent Committee on Temperance was disapproved; whereupon the Permanent Committee on Temperance was recommended to the churches for contributions to defray the necessary expenses of their work during the present year.—1882, p. 106.

b. That the Permanent Committee be continued and recommended to the continued confidence of the Church, and that where Synodical and Presbyterial Committees do not already exist, it is recommended that they be constituted, and that all the Committees place themselves in communication with the Secretary of the Permanent Committee.

Whereas, The last General Assembly resolved "that the deficiency of the late Permanent Committee on Temperance, to the amount of $2100, be paid by the Stated Clerk of the General Assembly, out of the Contingent Fund of the Assembly of 1887, provided there be no objection made to such appropriation on the part of a majority of the Presbyteries," and,

Whereas, In response to this resolution, a majority of the Presbyteries not only did not object, but a majority of those which voted upon the subject, favored the payment of the said indebtedness; therefore,

Resolved, That the Stated Clerk be directed to pay the said deficiency out of the Contingent Fund of this Assembly, and that inasmuch as part of said deficiency has been paid, that the subject of its true amount be referred for ascertainment and settlement to the Permanent Committee on Temperance and the Stated Clerk.—1887, p. 127; 1889, p. 98.

c. We earnestly suggest that a work so worthy is deserving of and ought to receive a more generous support, and that, so far as possible, all our churches make an offering to the work of this Committee, either on Temperance Day, or at such other time as may be most convenient.—1897, p. 125.

d. This Assembly reaffirms the action of the Assembly of 1896, "That the third Sabbath in November of each year," or some other convenient day, "shall be known as Temperance Day, and be observed by all our churches, if practicable;" that in our preaching and prayers, in our Sabbath-school teaching, in the services of our Young People's Societies, and in our homes, we may turn the hearts and lives of men

away from the awful curse that rests upon those who go the way of the drunkard.—1897, p. 128.

e. That it is recommended to the Session of each church, and the several Presbyteries and Synods, to appoint Standing Committees, if any have not already done so, to coöperate with the Permanent Committee of the General Assembly, in the endeavor to quicken and inspire, to unify and direct the energies of our people effectively and constantly against this evil and in the establishment of the opposite virtue.—1897, p. 128.

XI. THE CHURCH AT HOME AND ABROAD.

[NOTE.—In 1883, p. 617, a Special Committee of five was appointed to take into consideration the whole subject of the missionary periodicals published by the Boards; to report to the next Assembly. For the report of that Committee see *Minutes*, 1884, pp. 60–62. The Committee was continued and enlarged.—1885, p. 586; in 1886, see report, pp. 30, 36.]

1. The magazine established.

It was:

Resolved, 1. That, commencing with January, 1887, there shall be but one authorized periodical to present the work, need and claims of all our benevolent Boards to the churches under the care of the General Assembly.—1886, p. 37.

Resolved, 2. That the whole subject of the organization and methods of the consolidated magazine, as determined upon by this Assembly, is now referred to a Special Committee consisting of *Ministers*—Marvin R. Vincent, D.D., Howard Crosby, D.D., LL.D., Erskine N. White, D.D., W. P. Breed, D.D., Charles A. Dickey, D.D., Arthur T. Pierson, D.D., John S. MacIntosh, D.D., and *Ruling Elders*—Anson D. F. Randolph, Warner Van Norden, John H. Dey and Robert N. Willson.

Resolved, 3. That this Committee is hereby directed to consult with all the Boards through their respective Secretaries, so as to be fully informed as to their wishes and the reasons thereof, as to the arrangements for this new magazine.

Resolved, 4. That this Committee shall have power to determine whether an editor shall be employed; and if one is employed, then to choose the editor, to determine his duties, and to fix his salary, to apportion the expenses of the magazine among the Boards, and to do whatever may be necessary to start this publication, and to conduct it until the next General Assembly.

Resolved, 5. That this Committee is directed to report to the next General Assembly any measures which they may deem necessary to continue the magazine in the manner best adapted to meet its purposes, and that when their report is accepted their duties shall cease.—1886, pp. 101, 102.

[NOTE.—The Committee as above appointed presented a full report, which was adopted (1887, pp. 60–67). It announced the election of Rev. Henry A. Nelson, D.D., as editor and his acceptance of the position, p. 62; and gave the title of the magazine as *The Church at Home and Abroad*. It outlined the general plan of the magazine, and assigned its publication to the Presbyterian Board of Publication. See for changes of details and instructions of the Assembly, the annual *Minutes* from 1888 onward.]

2. The special committee continued, with powers.

Resolved, That the Special Committee on *The Church at Home and Abroad* be continued, with the same powers which have been already conferred, and be directed to report to the Assembly of 1889; that the expenses of the Committee be paid out of the funds of the magazine,

and that, inasmuch as two vacancies exist—Dr. Erskine N. White and Dr. M. R. Vincent having resigned—it is recommended that Rev. Stealy B. Rossiter, in the place of Dr. White, and Rev. Henry T. McEwen, in the place of Dr. Vincent, be added to the Committee.—1888, p. 24; 1889, p. 25; 1890, p. 12; 1891, p. 16.

3. The committee enlarged.

Resolved, 1. That the Secretaries nominated by the Boards of Home and Foreign Missions be added to the Assembly's Committee—one from each of these Boards, increasing the number of the Committee by an additional member—there being now a single vacancy.

2. That the Committee be recommended to confer with the Boards with a view of having the matter furnished by them presented to the Church in a more attractive, compact and popular form: that the Committee be advised to consider the propriety of a more liberal use of illustrations in the magazine: and also to have each Board appoint as special representative one of its Secretaries or members, who shall be the Board's special correspondent with the editor of the magazine and the Chairman of the Assembly's Committee, and that a full list of these representatives appear on the cover of the magazine.

3. That the Committee be reappointed, with the same powers, and be directed to report to the Assembly of 1893.—1892, pp. 24, 25; 1893, p. 136; 1894, p. 22; 1895, p. 40; 1896, p. 23.

XII. THE ASSEMBLY HERALD.

1. The paper established.

1. The Committee on Bills and Overtures presented requests from ninety Presbyteries, asking the Assembly to adopt some plan, whereby information as to the work of our Church through its various Boards may be periodically printed in an inexpensive newspaper form, for general distribution among all the families of our Church, and this, in addition to the circulation of our regular missionary magazine, *The Church at Home and Abroad*.

The following action is recommended:

Resolved, 1. That the General Assembly assume the responsibility of publishing an inexpensive missionary paper.

Resolved, 2. That the various Boards of the Church be directed to furnish material and assume *pro rata* any deficit that may be incurred, and receive any surplus.

Resolved, 3. That the Rev. W. H. Hubbard and the Rev. Rufus S. Green, D.D., be appointed managers and editors for the ensuing year, without financial compensation, and make full report to the next Assembly.

Resolved, 4. That the size of the paper shall be sixteen pages.

Resolved, 5. That the paper shall be published ten months in the year, no paper to be issued during July and August.

Resolved, 6. That the price of the paper shall be ten cents per annum to clubs, and twenty-five cents to individuals.

Resolved, 7. That the name of the paper shall be *The Assembly Herald*.—1894, pp. 155, 156.

[NOTE.—For the report of the managers and editors of the *Assembly Herald*, see *Minutes*, 1895, pp. 24, 25. The report was referred to a Special Committee of five: Hon. James A. Beaver, M. D. Kneeland, D.D., W. W. McKinney, D.D., Alexander W. Dickson and Frank H. Clement.—p. 25.]

2. Report of special committee, 1895.

2. The Special Committee on *The Assembly Herald* presented its report, which, after an address by the Hon. James A. Beaver, Chairman of the Committee, was adopted, and is as follows:

The Special Committee on *The Assembly Herald* respectfully report the following resolutions:

Resolved, 1. That the General Assembly continue the publication of *The Assembly Herald*.

Resolved, 2. That the various Boards of the Church be directed to furnish material, and assume *pro rata* any deficit that may be incurred, and that any surplus shall be reserved until such time as General Assembly orders a division among the various Boards.

Resolved, 3. That the Rev. W. H. Hubbard and the Rev. Rufus S. Green, D.D., be continued as managers and editors, without financial compensation, and make full report to the next Assembly.

Resolved, 4. Recognizing the dependence of intelligent and generous giving upon the dissemination of information, the General Assembly recommends that each church, in the way of its own choosing, subscribe for a sufficient number of copies, to place the paper in every one of its families, not making such circulation conditioned upon individual subscriptions, any more than in the case of Sabbath-school Lesson Helps and papers.

Resolved, 6. That *The Assembly Herald* be sent, at the expense of the Boards of the Church, to all pastors, superintendents and elders, who do not subscribe directly for themselves.

Resolved, 7. That the managers of *The Assembly Herald* are authorized to send sample copies from time to time to the non-subscribing churches, and that the expense of the same shall be borne by the Boards of the Church *pro rata*; *Provided*, That the copies thus becoming a charge on the Boards by Resolutions 6 and 7 shall not exceed one hundred thousand copies per month.

It was also *Resolved*, That the General Assembly heartily commend the faithful and unsalaried labors of Rev. W. H. Hubbard and Rev. Rufus S. Green, D.D., in the interests of the Boards of the Church and of the Church at large. They have paid out the past year some twelve thousand dollars for paper, printing and other expenses, and have distributed throughout the Church printed matter equivalent to twenty-three million pages or six hundred thousand octavo volumes of one hundred and fifty pages each. In this large business venture they have shown a rare business sagacity and enterprise, as they have not only received, through subscriptions and advertising, sufficient funds to meet all obligations, but have some five thousand dollars in the bank and hold some two thousand dollars more in bills and furnishings. This record of the past year is certainly unexampled in our Church, and promises much larger and much broader possibilities for the future under the same efficient and enthusiastic management. In view of these possibilities, this Assembly pledges its hearty coöperation in securing through Presbyterial and church action, a circulation for the ensuing year of a quarter of a million copies.—1895, pp. 110, 111: 1896, p. 139.

3. Authority for editing.

Resolved, That to the editor of *The Assembly Herald* be given the right and that he be requested to carefully edit all copy coming into his hands from whatever source, with a view to condensing all articles and wiping out unnecessary words and sentences. The subject matter not to be altered in any other way than heretofore; and that he be held alone responsible.—1896, p. 170.

XIII. WOMAN'S WORK FOR MISSIONS.

1. Home Missions.

[NOTE.—See pp. 348, 349.]

2. Foreign Missions.

a. It is also recommended to the Board (For. Mis.), for the better support of this branch of the service, to encourage the formation of Female Missionary Associations, to work in connection with that body. —1870, p. 38.

b. Early in the past year, "The Women's Foreign Missionary Society" was organized in the city of Philadelphia, as auxiliary to the Board of Foreign Missions, with the pious determination to assume the support of every woman, called of God and commissioned by the Board, in the foreign field. The organization in Philadelphia was followed by the enlargement of the organization of "The Ladies' Board of Missions" in New York, and "The Women's Presbyterian Board of the Northwest" in Chicago. There are Ladies' Associations in many of the churches, some of which have sustained the work of evangelizing the heathen for many years.

The General Assembly recognize the hand of God, and the spirit of pious consecration and prayer, in this whole movement, and direct the Board of Foreign Missions to encourage and control this effort as far as practicable.—1871, p. 536.

c. We have received the report of the Women's Societies and Boards of the Church for 1896–97. Your Committee is deeply impressed with the faithful and devoted labor of these women of our beloved Church. They report 7387 Auxiliary Societies and Young People's organizations, and have raised $317,635.59 during the year.—1897, p. 63.

3. Freedmen's Missions.

a. *Resolved*, 1. That this Assembly recommends the Woman's Executive Committee of Home Missions to permit such societies, under its care, as may desire to do so, to contribute according to their pleasure to the cause of the Freedmen, and send the results to the Woman's Executive Committee, to be forwarded to the treasurer of the Board of Missions for Freedmen.

Resolved, 2. That the Board of Missions for Freedmen be directed to provide means by which the necessary information as to the needs of the Board, methods of operation, etc., can be furnished to these societies when desired, keep a separate account of what is thus accomplished, and report the same to each General Assembly.—1884, p. 64.

b. Acting upon the recommendation of the last General Assembly, the Woman's Executive Committee of Home Missions, with the coöpera-

tion of the Board of Missions for Freedmen, and the approval of the Board of Home Missions, organized a Freedmen's Department, with headquarters at Pittsburgh, Pa.—1885, p. 681.

c. The Board gratefully acknowledges the generous aid received from the various societies connected with the Woman's Executive Committee. —1897, p. 30.

III. THEOLOGICAL INSTRUCTION.

I. GENERAL MATTERS.

1. Overtures for the establishment of a theological school.

The Committee [of Bills and Overtures] laid before the Assembly an overture from the Presbytery of Philadelphia for the establishment of a theological school.

The overture was read, and the Rev. Dr. Dwight* and the Rev. Messrs. Irwin, Hosack, Romeyn, Anderson, Lyle, Burch, Lacy, and Messrs. Bayard, Slaymaker and Harrison, elders, were appointed a Committee to take the overture into consideration and report upon it.—1809, p. 417.

The Committee to which was referred the overture in relation to the establishment of a theological school brought in the following report, which, being read, was adopted, viz.:

The Committee appointed on the subject of a theological school, overtured from the Presbytery of Philadelphia, report:

That three modes of compassing this important object have presented themselves to their consideration.

The first is to establish one great school in some convenient place near the centre of the bounds of our Church.

The second is to establish two schools in such places as may best accommodate the northern and southern divisions of the Church.

The third is to establish such a school within the bounds of each of the Synods. In this case your Committee suggest the propriety of leaving it to each Synod to direct the mode of forming the school and the place where it shall be established.

The advantages attending the first of the proposed modes are that it would be furnished with larger funds, and therefore with a more extensive library and a greater number of professors. The system of education pursued in it would, therefore, be more extensive and more perfect; the youths educated in it would also be more united in the same views, and contract an early and lasting friendship for each other—circumstances which could not fail of promoting harmony and prosperity in the Church. The disadvantages attending this mode would be principally those derived from the distance of its position from the extremities of the Presbyterian bounds.

The advantages attending the second of the proposed modes and the disadvantages will readily suggest themselves from a comparison of this with the other two.

The advantages which attend the third—to wit, the establishment of theological schools by the respective Synods—would be the following: The local situation of the respective schools would be peculiarly convenient

* President of Yale College, who sat in the Assembly as a delegate from the General Association of Connecticut.

for the several parts of a country so extensive as that for the benefit of which they were designed. The inhabitants, having the seminaries brought near to them, would feel a peculiar interest in their prosperity, and may be rationally expected to contribute to it much more liberally and generally than to a single school, or even to two. The Synods also, having the immediate care of them, and directing either in person or by delegation all their concerns, would feel a similar interest, and would probably be better pleased with a system formed by themselves, and therefore peculiarly suited to the wishes and interests of the several parts of the Church immediately under their direction. Greater efforts, therefore, may be expected from ministers and people to promote the prosperity of these schools than of any other. The disadvantages of this mode would be the inferiority of the funds, a smaller number of professors, a smaller library and a more limited system of education in each. The students also would, as now, be strangers to each other.

Should the last of these modes be adopted, your Committee are of opinion that everything pertaining to the erection and conduct of each school should be left to the direction of the respective Synods. If either of the first, the whole should be subject to the control of the General Assembly.

Your Committee also suggest that in the former of these cases the funds for each school should be raised within the bounds of the Synod within which it was stationed. In the latter they should be collected from the whole body of the Church.

Your Committee therefore submit the following resolution, to wit:

Resolved, That the above plan be submitted to all the Presbyteries within the bounds of the General Assembly for their consideration, and that they be careful to send up to the next Assembly, at their sessions in May, 1810, their opinions on the subject.—1809, p. 430.

2. Answer to a memorial on entire uniformity in the government and course of study in the theological schools of our Church.

a. The Committee to which was referred a memorial from the West Lexington Presbytery, on the subject of Theological Seminaries, in which is submitted a plan for the attainment:

1. Of entire uniformity in the government and course of study in the theological schools of our Church; and,

2. The most unqualified dependence upon the General Assembly as a bond of union between all the churches and all her seminaries, in order to secure, to the satisfaction of the memorialists, the future peace and purity of the Church, by securing unity of sentiment and consequently of effort among all the ministers of the Presbyterian Church in these United States, make the following report, which was adopted, viz.:

The subject of this memorial is too serious in its character and too important in its bearing and its consequences to be discussed at so late a period of the Assembly's sessions, and inasmuch as it would materially affect the rights of individuals, of Presbyteries, and indeed of the whole Presbyterian Church, and would also call for important alterations in the Constitution, the Committee deem it inexpedient for this Assembly to enter upon the consideration of the proposals submitted in the document, and recommend that the memorial be referred to the consideration of the next General Assembly.—*Minutes*, 1828 (reprint), p. 243.

b. The memorial of the West Lexington Presbytery on the subject of theological seminaries, which was referred by the last Assembly to the consideration of the present Assembly, was taken up, and committed to the Rev. Archibald Alexander, D.D., the Rev. Samuel Miller, D.D., and the Rev. Charles Hodge, to consider and report on the same to the next General Assembly.—*Minutes*, 1829 (reprint), p. 273.

c. The Committee to whom was referred, by the last General Assembly, the memorial of the West Lexington Presbytery, made the following report, which was adopted, viz.:

That the said memorial sets forth the evils which, in the opinion of the memorialists, threaten the Church from the operation of numerous theological seminaries existing independently of the General Assembly, and adopting the different systems of government, and different courses of study. To counteract these evils it proposes that the General Assembly should take all the theological seminaries throughout our bounds under its immediate and absolute control, and prescribe a course of study which shall be uniform in them all.

These are the prominent points of the memorial under consideration. Your Committee are ready to acknowledge that there are evils of a very formidable character, which are likely to arise from the indefinite multiplication of theological seminaries, under the care of a single Synod or Presbytery. They fear that the standard of theological education, in the Presbyterian Church, will ultimately fall far below that maintained in some other Christian denominations, and thus the respectability and usefulness of our clergy be greatly impaired. They believe, also, that much good that might have resulted from having a larger portion of our young men brought into personal acquaintance with each other, and educated upon the same plan, must now be lost; and that we must content ourselves with less of harmony of feeling and unity of sentiment than might, under other circumstances, have been secured. Believing, however, that it is perfectly competent to every Presbytery or Synod, to adopt what plan they may think best, not inconsistent with the Constitution of the Church, for the education of their own young men; and finding that the Assembly has long sanctioned their so doing, your Committee are of opinion that this subject is not within the rightful jurisdiction of the General Assembly; and that even if it were, it would, under existing circumstances, be highly inexpedient to adopt the course proposed by the memorialists. They therefore beg to be discharged from the further consideration of the subject.—*Minutes*, 1830 (reprint), p. 288.

3. Plans proposed.

The Committee appointed to examine the reports of the several Presbyteries on the subject of theological schools, and to report to the Assembly the opinions expressed by them severally on the three different plans sent down for their consideration, reported that after carefully examining the reports of the several Presbyteries on this subject they find the following results: Ten Presbyteries have expressed an opinion in favor of the first plan, viz., the establishment of a single school. One Presbytery has given an opinion in favor of the second plan, viz., the establishment of two schools. Ten Presbyteries have expressed a judgment in favor of the third plan, viz., the establishment of a school in each Synod. Six Presbyteries have expressed an opinion that it is not expedient at present

to attempt the establishment of any school; and from the remaining Presbyteries no report has been received.—1810, p. 439.

[NOTE.—For the Plan of the seminary at Princeton, and the agreement with the trustees of the College of New Jersey, see under *Princeton Seminary*, in this *Digest*.]

4. Report on theological seminaries, 1870.

The Committee on Theological Seminaries presented a report, which was adopted, as follows:

The number of theological seminaries connected with the General Assembly, directly or indirectly, is seven.

These were founded after different methods and at different epochs, thus representing more or less important changes of sentiments and events in the history of the Church and the country.

I. The seminary at Princeton was founded by the General Assembly itself in the year 1812. Coming into existence in the early part of this century, immediately after the organization of the American Board of Foreign Missions and the seminary at Andover, when there was a very general unity and coöperation of good men throughout the land, it must be regarded and honored as the first of those great movements in the Presbyterian Church which looked to the spreading of the kingdom of Christ at home and abroad.

II. The seminary at Auburn was founded in the year 1819, for the purpose of training up a ministry in what was then known as "the Western country."

III. The seminary at Allegheny was established in 1825. Lane Seminary, at Cincinnati, in 1829.

IV. These three seminaries are associated with two things: 1. The beginning of that tide of emigration from the East to the West which has been rolling and surging onward ever since; and, 2. That spirit of active evangelism which most happily was simultaneous with westward emigration, a new power and life of religion distinguishing that memorable period.

V. Union Theological Seminary, in New York, was founded in the year 1836, one year preceding the disruption of the Church. Coming into existence at that extraordinary time, the design of its founders, who were then largely members of churches known after the division as Old School, was, in their own language, "to provide a seminary which might commend itself to all men of moderate views and feelings desiring to live free from party strife, and to stand aloof from all extremes of doctrine and of practice."

VI. The seminary at Danville, Ky., was founded in the year 1853.

VII. That now at Chicago, Ill., was established in that city in the year 1859 by removal from New Albany—dates sufficiently distinct to represent advanced stages in those conflicts of opinion which subsequently convulsed the country and the Church, and which have not as yet entirely passed away.

The seminaries now enumerated were founded not only at different times, but after *different methods*. Those at Princeton, Allegheny, Danville and Chicago were established by the General Assembly, and are under its direct supervision and control.

The seminary at Auburn is controlled by a Board of Commissioners, elected by certain Presbyteries in Central and Western New York, and a

Board of Trustees, elected by the Commissioners. Its faculty, appointed by the Commissioners, report to the General Assembly.

Lane Seminary, at Cincinnati, and Union Seminary, at New York, were founded by individuals, members of the Presbyterian Church, and by their charters, most cautiously prepared, are made Presbyterian institutions, recognizing our Standards of doctrine and polity, though not under any ecclesiastical control.

The *administration* of these seminaries is after different methods, though in some cases the difference is more in name and form than in essential fact.

Princeton Seminary is administered by two Boards, known as the Board of Directors and the Board of Trustees. The former are elected by the General Assembly in annual classes. The latter, having control of the property, is a *close corporation*, filling its own vacancies. In like manner, the seminaries at Allegheny, Danville and Chicago have each two administrative Boards—a Board of Directors and a Board of Trustees.

Lane and Union Seminaries have each but one Board—a Board of Trustees at Lane, a Board of Directors at Union—by which the property is held and the general control of the seminary is administered, certainly a simpler method, by which all differences of opinion are avoided, such as have arisen and are likely to arise in other seminaries between two separate Boards, one of trust and the other of direction.

That the relations of these several theological seminaries, differing in origin and administration, to the reunited Church should be regarded as a matter of no little delicacy and difficulty was inevitable. On the one hand, it is obvious that a matter so important as the education of its ministry should in some way be under the supervision and control of the Church, so as to secure the entire and cordial confidence of the Church. On the other hand, there is a liberty and flexibility in the matter which must be respected and allowed. If individuals or associations are disposed to found and endow seminaries of their own, there is no power in the Presbyterian Church to forbid it.

The difficult task of undertaking to reconcile these ideas and principles received the early and careful attention of the joint Committee on Reunion, as appears from one of the concurrent declarations adopted by both Assemblies, providing for the transfer of those seminaries now under the control of the Assembly to the care and control of one or more adjacent Synods, if they should so elect. The object was to allay the apprehensions of any who might imagine that the sudden accession and intermingling of great numbers might overbear those who had hitherto administered those seminaries which had been under the control of one branch of the Church. It was intended as a measure for the maintenance of confidence and harmony, and not as indicating the best method for all future time.

As to any project by which the entire control and administration of all our theological seminaries—for example, as to the election of trustees—can be transferred to the General Assembly, on any principle of complete uniformity, your Committee regard it as wholly impracticable, and the attempt to accomplish it altogether undesirable. To bring it about, should it be undertaken, would require an amount of legislation, in six or seven different States, which would be portentous.

In some cases alterations of existing charters are impossible, by reason, as in Ohio, of changes in the Constitution enacted subsequently to the

granting of that charter upon which Lane Seminary was incorporated. Surely it would be to the last degree unwise to attempt such alterations in so many charters, putting in jeopardy so large an amount of property, when the object contemplated may be secured in another and better way.

Besides, the intentions and wishes of benevolent men, who have founded and endowed some of these seminaries, and aided others on their present footing, should be honorably and zealously protected. Your Committee, therefore, would recommend no change, and no attempt at change, in this direction, save such as may safely and wisely be effected under existing charters.

For example, the directors of the seminary at Princeton have memorialized this Assembly, with the request that the Assembly would so far change its "plan" of control over that institution as to give the Board of Directors enlarged rights in several specified particulars, subject to the veto of the General Assembly.

Your Committee are unanimously of the opinion that the changes asked for are eminently wise and proper. If it were within the power of the General Assembly to remit the entire administration of this venerable institution to its Board of Directors, without any of the restrictions they have mentioned as to the supply of their own vacancies, they would cordially recommend it. But inasmuch as the endowments of this seminary are held on the condition that it should be the property and under the control of the General Assembly of the Presbyterian Church in the United States, that trust cannot be vacated nor transferred to any other body. The method desired and proposed by the directors themselves is open to no such objection and is believed to be quite within the provisions of the law as now defined, being only a convenient and wise mode of executing by the General Assembly itself the trust which it now holds.

A memorial has been presented to this Assembly from the directors of Union Theological Seminary, in New York, bearing upon the point of uniformity as to a certain kind and amount of ecclesiastical supervision.

It had appeared to them—many of them having taken an active part in founding that seminary thirty-three years ago, in a time, as already noticed, of memorable excitement—that there were great disadvantages and perils in electing professors and teachers by the Assembly itself, without sufficient time or opportunity for acquaintance with the qualifications of men to be appointed to offices of such responsibility.

It is self-evident, as your Committee are agreed, that a body so large as the General Assembly, and composed of men resident, most of them, at so great a distance from the several seminaries, is not so competent to arrange for their interests and usefulness as those having local and personal intimacy with them. Desirous of bringing about as much uniformity as was possible in the relation of the seminaries to the General Assembly of the Church, the directors of Union Seminary have memorialized this Assembly to the effect that the Assembly would commit, so far as practicable, the general administration of all seminaries now under the control of the Assembly to their several Boards of Directors, proposing, if this be done, to give to the General Assembly, what it does not now possess, the right of veto in the election of professors at Union. In this generous offer, looking solely to the peace and harmony of the Church, the memorialists did not include the same veto in regard to the election of their own directors, inasmuch as these directors hold the property of the seminary in trust. The trustees of Princeton Seminary, being one of

two Boards, are a close corporation. The directors of Union Seminary in New York, being but one Board, are the trustees.

Leaving all the diversities of method and administration in the several seminaries intact, save in the particulars hereinafter provided for, your Committee are happy to report that there is one mode of unifying all the seminaries of the Presbyterian Church, as to ecclesiastical supervision, so far as unification is in any way desirable. It is the mode suggested in the several memorials of the directors of Union and Princeton, and approved, or likely to be approved, from information in our possession, by the directors of Auburn and Lane. This is to give to the General Assembly a *veto* power upon the appointment of professors in all these several institutions. This seems to your Committee to secure all the uniformity, as to the relation of these seminaries to the Church, which can be necessary to ensure general confidence and satisfaction. Less than this might excite jealousy; more than this is cumbersome and undesirable.

Your Committee, in accordance with these views, report the following plan and resolutions:

1. Accepting the offer so generously made by the directors of the Union Theological Seminary, in New York—a seminary independent hitherto of all direct ecclesiastical control—to invest the General Assembly with the right of a *veto* in the election of professors in that institution, this Assembly would invite all those theological seminaries not now under the control of the General Assembly to adopt at their earliest convenience the same rule and method, to the end that, throughout the whole Presbyterian Church, there may be uniform and complete confidence in those entrusted with the training of our candidates for the ministry.

2. That the several Boards of Directors of those seminaries which are now under the control of the General Assembly shall be authorized to elect, suspend and displace the professors of the seminaries under their care, subject in all cases to the *veto* of the General Assembly, to whom they shall annually make a full report of their proceedings, and to whom their minutes shall be submitted whenever the Assembly shall require them to be produced. These Boards shall further be authorized to fix the salaries of the professors, and to fill their own vacancies, subject in all cases to the veto of the General Assembly.

3. That a Committee of five be appointed by the Assembly to propose such alterations in the "plans" of the seminaries now under the control of the Assembly as shall be deemed necessary to carry into effect the principles above stated, and that said Committee report to this or to the next succeeding Assembly.

4. In case the Board of Directors of any theological seminary now under the control of the General Assembly should prefer to retain their present relation to this body, the plan of such seminary shall remain unaltered.—1870, pp. 50–64.

[Note.—See further, *Digest*, 1886, pp. 387-397. See, also, Concurrent Declaration, No. 9, p. 416.]

5. Proposal of Union Theological Seminary.

a. A communication was received by the Rev. William Adams, D.D., from the directors of the Union Theological Seminary in the city of New York, proposing on certain terms to place their institution under the care of the General Assembly.

A communication was also received from the directors of the Theological Seminary at Princeton, asking that the change contemplated in the above communication may be made, and proposing other matters of interest to the seminary. These communications were referred to the Standing Committee on Theological Seminaries.—1870, p. 17.

The Committee subsequently reported *inter alia*, as follows:

b. Your Committee, in accordance with these views, report the following plan and resolutions:

Accepting the offer so generously made by the directors of the Union Theological Seminary in New York—a seminary independent hitherto of all direct ecclesiastical control—to invest the General Assembly with the right of a *veto* in the election of professors in that institution, this Assembly would invite all those theological seminaries not now under the control of the General Assembly to adopt at their earliest convenience the same rule and method, to the end that throughout the whole Presbyterian Church there may be uniform and complete confidence in those entrusted with the training of our candidates for the ministry.—1870, p. 63.

c. *Memorial of the Directors of Union Theological Seminary in the City of New York to the General Assembly of the Presbyterian Church in the United States of America, New York, May 18, 1870.*

Whereas, In the recent negotiations for reuniting the two branches of the Presbyterian Church, great importance was attached to some uniform system of ecclesiastical supervision over the several theological seminaries of the denomination; and,

Whereas, The directors of the Union Theological Seminary in New York—an institution founded before the disruption of the Presbyterian Church, belonging exclusively to neither of its branches, and administered upon its own independent charter—are desirous of doing all in their power to establish confidence and harmony throughout the whole Church, in respect to the education of its members; and,

Whereas, It has appeared to many, and especially to those who took an active part in founding the Union Theological Seminary, that there are many disadvantages, infelicities, not to say at times perils, in the election of professors of those seminaries directly and immediately by the General Assembly itself—a body so large, in session for so short a time, and composed of members to so great an extent resident at a distance from the seminaries themselves, and therefore personally unacquainted with many things which pertain to their true interest and usefulness; therefore, be it

Resolved, That the Board of Directors of the Union Theological Seminary in the city of New York, being all of them ministers or members of the Presbyterian Church, do hereby memorialize the General Assembly to the following effect, viz.: That the General Assembly may be pleased to adopt it as a rule and plan, in the exercise of the proprietorship and control over the several theological seminaries, that so far as the election of professors is concerned the Assembly will commit the same to their respective Boards of Directors on the following terms and conditions:

1. That the Board of Directors of each theological seminary shall be authorized to appoint all professors for the same.

2. That all such appointments shall be reported to the General Assem-

bly, and no such appointment of professor shall be considered as a complete election if disapproved by a majority vote of the Assembly.

And further be it Resolved, That the Board of Directors of the Union Theological Seminary in the city of New York, persuaded that the plan proposed in the memorial will meet the cordial approval of the patrons, donors and friends of all these seminaries, and contribute to the peace and prosperity of the Church, do hereby agree, if the said plan shall be adopted by the General Assembly, that they will agree to conform to the same, the Union Seminary in New York being in this respect on the same ground with other theological seminaries of the Presbyterian Church.—1870, pp. 148, 149.

The Assembly complied with this request. See pp. 60–64.

6. Limitations of the time within which the Assembly may exercise its veto in the election of a professor.

That the Assembly declare that the true meaning of the act subjecting the election of a professor to the veto of the Assembly is that such election be reported to the next General Assembly thereafter; and if not *vetoed* by that Assembly, the election shall be regarded as complete, according to the plan ratified by the Assembly of 1870; see *Minutes*, pp. 64, 65, 148.—1871, p. 581.

7. Committee on the Relations of the Assembly and the Seminaries, 1892.

[Note.—For the action of the Assembly of 1891 in the veto of the election of Prof. Charles A. Briggs, see under Union Theological Seminary.]

I. In response to an overture concerning ministerial education, your Committee reports:

Whereas, The Form of Government, Chap. xiv, Sec. vi, declares, "that the most effectual measures may be taken to guard against the admission of inefficient men into the sacred office, it is recommended that no candidate, except in extraordinary cases, be licensed, unless, after his having completed the usual course of academical studies, he shall have studied divinity at least two years under some approved divine or professor of theology," and,

Whereas, Disorders are appearing in the Church, doing great injury to its doctrinal purity and unity, we recommend that the Assembly call special attention to this provision of the Form of Government, and enjoin our Presbyteries to see that students under their care be prepared for their sacred office in seminaries and under teachers who are under the oversight and direction of the Assembly, and that the Board of Education be directed to restrict appropriations for the education of students to those who are pursuing their studies under such above-named institutions or private instructors.

II. Having due regard to the overtures and all the other papers in the case of Union Theological Seminary, etc., referred to the Committee, the Assembly takes the following action:

1. That the Assembly indorses the interpretation of the compact of 1870 as expressed by the action of the Assembly of 1891.

2. That the Assembly declines to be a party to the breaking of the compact with Union Theological Seminary.

3. That the Assembly is persuaded that the Church should have direct connection with and control over its theological seminaries.

4. That the Assembly appoints a Committee of fifteen, eight ministers and seven ruling elders, to take into consideration the whole subject of the relation of the Assembly to its theological seminaries, confer with the directors of these seminaries, and report to the next General Assembly such action as in their judgment will result in a still closer relation between the Assembly and its seminaries than that which at present exists.

5. That the Assembly dismisses the Committee of Conference appointed last year, with the heartiest thanks for its faithfulness, and highest appreciation of the service rendered the Church.—1892, pp. 175, 176.

8. Committee on Theological Seminaries, Report, 1893.

[NOTE.—In its report, presented to the General Assembly at Washington, May 18, 1893, the Committee considered the subject assigned to it, in so far as it had then reached any results, under the following heads:]

1. The present legal status of the theological seminaries, including the ownership and control of the property held in trust for them.

2. The present control possessed by the Presbyterian Church, through its General Assembly, Synods and Presbyteries, over the teaching and property of the theological seminaries.

(1) The charters of the independent civil corporations holding the property in trust for the seminaries differ more or less in detail, but have this common feature, that these corporations own the property and have its control and management, free from any direct interference by the General Assembly, save as to the property given to them by the Assembly, as to which the Assembly may direct the management.

The greater portion of the property held by these corporations, and which amounts to between eight and nine millions of dollars, is not held in trust for the General Assembly of the Presbyterian Church, nor is it given the direct control, management or disposition of the same by the terms of their charters.

(2) By the terms of the compact of 1870 and the plan of reunion the supervision and control exercised by the General Assembly over the various theological seminaries, it is claimed, is limited to the exercise of the right of approval, or veto of the appointment of professors. In addition to this, each seminary reports annually to the General Assembly its receipts, disbursements, the number of students and the number of graduates, with such special information as the various Boards in charge of these institutions may see fit to communicate.

The foregoing, however, is not all of the control possessed by the General Assembly over the teaching of the theological seminaries. It has greater power which it may exercise, if occasion arises, unless by the terms of reunion and the compact of 1870 it has surrendered the same. According to the plan of government of Princeton, Western, McCormick, Danville, and Omaha, the General Assembly has the right to control the election of the Boards of Directors, to whom are entrusted the appointment of professors and the management of the seminary generally, save and except the holding of the title to property, its management, sale, disposition and investment.

Under the original plan of the seminaries, known as the Old School seminaries, the General Assembly had the power to remove the professors, as well as to approve or veto their appointment. In order to secure uniformity of teaching, in so far as it is practicable, the General Assem-

bly could, under the power thus possessed over the seminaries named, unless the power has been surrendered by the compact of 1870, issue such instructions as might secure such uniformity of teaching. But the General Assembly has, by the terms of the charters of the civil corporations, no direct control over the property of the seminaries, except over such property as it has given them.

Under the first division of this report, to wit, the present legal status of the seminaries, and the Appendix hereto, the different methods of control and the extent of the jurisdiction of these Boards have been set forth. The General Assembly has the power to change the plan of management of some of the aforesaid seminaries to the extent herein indicated, but control is not limited, by the compact of 1870, to the veto of the election of directors in certain seminaries, and to the veto of the appointment of professors in all of the seminaries.

The power or right of veto without adequate provision for its enforcement in cases of disobedience to its mandate is practically valueless. Where obedience is a matter of choice, and not of legal obligation and enforceable as such, it is difficult to see how the veto power in cases of disobedience is of any value. To veto the election of directors or professors without legal power to enforce the veto by the removal of the person vetoed, and then leave to the body whose elections are thus vetoed the exclusive right to nominate, elect or appoint, is, in all cases of difference, to place the body possessing the right to veto absolutely in the power of the body whose acts are vetoed.

The power vested in the General Assembly by the Constitution of the Presbyterian Church, to try by judicial process those who occupy a ministerial relation to the Church, and are acting as teachers, and the power of discipline, cannot be said to be control over the seminaries, affecting their teaching and property. While it is true that under these powers the General Assembly may reach individuals, and thus directly affect the teaching in the seminaries, we do not regard the exercise of these powers as within the term "control."

How far the compact of 1870 and the terms of reunion affected the powers of the General Assembly, which up to that time it possessed and exercised, we do not deem it necessary to discuss or to express any opinion. It is sufficient for the purpose of this report to say that since the compact of 1870 the General Assembly has substantially exercised no other control over the seminaries than that provided for by that compact, and whatever dormant and unexercised powers it possesses are limited as herein stated, and have not affected either the teaching or the property of the seminaries.—1893, pp. 24, 27.

[NOTE.—For the full report, see *Minutes*, 1893, pp. 20–40.]

9. Committee on Theological Seminaries, Report, 1894.

After a full consideration of the subject assigned the Committee, and after a very extended investigation of the management by other denominations of their theological seminaries, and in the light of the experience of our own Church, your Committee unanimously agrees on the following fundamental principles as controlling the future management of the theological education of the ministry of our Church, and embodies the same in two resolutions, as follows:

Resolved, That it is the judgment of this Committee that the instruction given in the theological seminaries of the Presbyterian Church in

the United States of America should be under the control and direction of that Church.

Resolved, That all funds and property held for the purpose of theological instruction shall be used only for theological education in the doctrines set forth in the Standards of the Presbyterian Church in the United States of America.

The Committee recommends the adoption of the following resolutions:

1. That each and all of the seminaries of the Church be requested to secure, at the earliest moment practicable, such changes in their charters, or amendments thereto, as will provide:

(*a*) That all of their funds and property, subject to the terms and conditions of existing or specific trusts, shall be declared to be held by them in trust for the Presbyterian Church in the United States of America, for the purposes of theological education according to the Standards of said Church, and that no part of the funds and property so held in trust shall be used for any other purpose than for theological education in the doctrines set forth in the Standards of the Presbyterian Church in the United States of America.

(*b*) That the election of the trustees, directors or commissioners, or whatever the bodies governing the teaching or property shall be named, shall be subject to the approval of the next succeeding General Assembly, and that no election shall take effect until approved by the General Assembly; failure of the General Assembly to which said elections are reported for approval to act thereon shall be regarded as approval of said elections.

(*c*) That the election, appointment or transfer of all professors and teachers in all seminaries shall be submitted to the next succeeding General Assembly for its approval, and that no such election, appointment or transfer shall take effect, nor shall any professor or teacher be inducted into office until his election, appointment or transfer shall have been approved by the said General Assembly; failure of the General Assembly to which the said elections, appointments or transfers are reported for approval to act thereon shall be regarded as approval thereof, and that all of said professors and teachers shall be either ministers or members in good standing of the Presbyterian Church in the United States of America.

(*d*) That in the event of the violation of any of the terms of said amendments, or the misuse or the diversion of the funds or property held by them, then the General Assembly shall be empowered to provide against such violation of the provisions of said charters, and for the enforcement of the same, and for the protection of the trusts on which said property and funds are held, in such manner, and in the name of such person or corporation, as it may direct by resolution certified by its Clerk, in any civil court having jurisdiction over the corporations whose charters are so amended.

2. That all seminaries hereafter established or organized shall contain in their charters the foregoing provisions as an essential part thereof, before they shall be recognized as in connection with the Presbyterian Church in the United States of America.

3. That the General Assembly, having adopted the foregoing resolutions, shall appoint a Committee of fifteen persons to confer with the various seminaries, with a view to securing their approval of said resolutions, and their consent to said changes in their charters, and for the

purpose of aiding them by counsel and otherwise in securing the necessary changes and amendments to the respective charters herein recommended; it being understood that the adoption of said resolutions is without impairment of any of the rights of the General Assembly, or of said seminaries, that may have accrued by the compact of 1870; and said Committee to make report to the next General Assembly for final action on this whole subject by the Assembly.—1894, pp. 60, 65–67.

[Note.—The report of the Committee was adopted by a vote of 444 in the affirmative to 117 in the negative. For the full report, see *Minutes*, 1894, pp. 56–67; also for report of the minority of the Committee, pp. 201–205.]

10. Committee on Theological Seminaries, Report, 1895.

In view of the answers of the seminaries, as published in the Appendix, the Committee reports that Omaha and Dubuque have adopted all of the recommendations of the General Assembly.

The directors and trustees of Princeton declare that they "do not antagonize, but, on the contrary, cordially acquiesce in and are in the fullest sympathy with the sentiment of the resolutions contained in the report of the General Assembly's Committee of Conference with the Theological Seminaries made to the General Assembly at its session in 1894, namely, 'That the Church should control the instruction given in its theological seminaries and that the funds held for the purposes of theological instruction should be used only for such education in the doctrines set forth in the Standards of the Church.'"

The directors and trustees further say that they are advised by counsel learned in the law, and believe, that the charter of the seminary now embodies substantially all that the Assembly seeks to accomplish by its recommendations, and therefore deem the amendment of the charter, by the insertion of the same, unwise and unnecessary.

But, they further say, "if the Assembly should still be of the opinion that such an amendment should be obtained, the Boards will endeavor to secure such action as will insure to the General Assembly the right to be represented in the courts and to enforce its proper control over the seminary and its property."

The Committee recommends the Assembly to reply to Princeton's offer, that while respecting the judgment of the Boards, and not prepared to say that it is incorrect, the Assembly is of the opinion that in order to put the matter beyond all possible question, it would be well for the Boards to do what they express their willingness to do, viz., to endeavor to secure such action as will insure to the General Assembly the right to be represented in the courts, and to enforce its proper control over the seminary and its property.

The Board of Directors of the Western Seminary, at Allegheny, "being satisfied that the seminary now stands in such close relation to the Presbyterian Church that both its teaching and its use of all its property can be controlled by the General Assembly, sees no reason to ask any change in existing relations to the Assembly." The Board of Trustees has declared its hearty agreement with the principles set forth in the action of the Assembly of 1894, and its readiness to secure the necessary legislation to enable the General Assembly to carry out said principles. The Committee recommends the General Assembly to request these Boards to take such action.

The Board of Directors of Danville has resolved to adopt the recom-

mendations as to By-Laws, and as a part of their Constitution. The Board of Trustees states that it has an irrepealable charter, which cannot be amended without danger of forfeiture. It declares its approval of the substance of the recommendations, and while not deeming the same necessary, in view of the control the Assembly now has over the funds of said corporation, expresses its willingness to give the General Assembly the approval of the election of the members of the Board.

The Committee recommends the Assembly to request the Board of Trustees at Danville to secure such legislation, not imperiling the charter, as will insure to the General Assembly the right to be represented in the courts, and to enforce its proper supervision over the seminary and its property.

San Francisco, being under Synodical care, has deemed it best to defer action on the recommendations until after the next meeting of the Synod.

In regard to the seminaries which have simply answered that action is not expedient, or the proposed amendments would be of doubtful validity, or the way is not clear to act, as at present informed, no opinion is expressed, inasmuch as these seminaries assigned no specific reasons for their action. The Assembly cannot, therefore, make any suggestions to these seminaries, beyond the earnest request that they reconsider their action, since the adoption, substantially, of the Assembly's plan, by all the seminaries, will give assurance to every donor, and to all our members, that these institutions are amply secured to the Presbyterian Church.

The Committee respectfully recommends the adoption of the following resolutions:

1. That it is the sense of this Assembly that the Assembly of 1894 did not intend to prepare the way for any change in the tenure or management of the property of the seminaries, or to do anything which can affect the autonomy of the seminaries, and that the said recommendations were intended to have the meaning and effect as recited in this Committee's report. This Assembly, in reaffirming the resolution of the Assembly of 1894, does so with the avowed purpose of leaving the tenure and title to all property of the seminaries exactly where they are now, in the hands of the various Boards of Trustees, and with the further purpose of securing the veto power to the Assembly, as an effective force, by charter provision, and of safeguarding by charter declaration, the trusts held and to be held by Boards of Trustees against perversion or misuse.

2. That this General Assembly reaffirms the action of the Assembly of 1894, and in view of the progress made, and the importance of the interests involved, declares that in its judgment the effort should be continued to secure the adoption, in substance, of the Assembly's plan by all the seminaries.

3. That a Committee be appointed to have further charge of this matter, and to make report to the next General Assembly.

Adopted unanimously, and respectfully submitted, in behalf of the Committee.—1895, pp. 31–34.

[NOTE.—The report of the Committee was adopted by a vote of 432 in the affirmative to 99 in the negative. For the full report see *Minutes*, 1895, pp. 29–34.]

11. Committee on Theological Seminaries, Report, 1896.

The Committee presented its report, which was received, and on its recommendation the following resolutions were adopted:

1. This General Assembly reaffirms the action of the General Assem-

bly of 1895, and, in view of the importance of the interests involved, declares that in its judgment the plan approved by the General Assembly of 1895 should be substantially adopted by all of the seminaries.

2. The General Assembly highly appreciates the readiness of the Boards of Control in some of our theological seminaries shown during the past year to carry out the plan approved by the General Assembly of 1895; and whilst others of the Boards of Control have not seen their way clear as yet to adopt the general provisions of that plan and carry them into legal effect, the General Assembly cannot but hope that upon further consideration they may see their way clear to come to such a conclusion that all the funds and property in their hands, and the teaching in said seminaries, may be so completely safeguarded to the Church that benevolent persons contemplating making gifts or bequests to these institutions may have the fullest confidence in the future security of such gifts or bequests. With entire confidence in the integrity and wisdom of the beloved brethren in control of our theological seminaries, we urge them to take such measures as will secure this most desirable result; and, also, that these several Boards be requested to report to the next General Assembly what progress they have made in this direction.

3. That the Committee be discharged from further service.—1896, pp. 123, 124.

[NOTE.—For the letter of the Committee to the Boards of the theological seminaries, see *Minutes*, 1896, p. 186. For the answers of the Boards of the theological seminaries to the letter of the Committee of Conference, see *Minutes*, 1896, pp. 187–196.]

12. Committee on Theological Seminaries. Report, 1897.

The Committee are fully persuaded that while these seminaries have not complied in letter with the requests made by the General Assembly in 1894 and reaffirmed in 1895 and 1896, yet the Boards of Control of the seminaries have made conscientious and persistent investigation of the matter in hand, with the desire to comply with the wish of the Assembly. They find, however, many difficulties, and believe that such changes would disturb rather than establish confidence, thereby diminishing future gifts, and also entailing upon the seminaries litigations which would probably deprive them of bequests which are now their main support. They are also convinced that the teaching and properties of these seminaries are already so fully safeguarded to the Presbyterian Church that, in the judgment of able jurists, the changes suggested would be wholly without advantage.

Resolved, That this Assembly accepts as sincere the repeated, positive and explicit written declarations of the above-named seminaries, that they are loyal to the Church, and that their teachings and properties are in their judgment fully safeguarded to the General Assembly, but if at any time in the future these seminaries should find that the changes could be made in their respective charters as the General Assembly has desired, it will be gratifying to the whole Church to have such changes made.—1897, p. 110.

[NOTE.—The seminaries above referred to are Lane, Auburn, McCormick and Newark German.]

13. Approval or veto of elections of officers and professors.

[NOTE.—The elections of professors in the following institutions require the approval of the General Assembly: Auburn Theological Seminary, German Theological School of the Northwest, and Omaha Theological Seminary. In addition, the

Assembly has a veto over the appointment and removal of professors in Princeton, Western, McCormick and Danville Seminaries, and a veto over the elections of directors in the same institutions. The elections of directors in the two German Theological Schools are subject to the approval of the Assembly, and the appointment of professors in Lane, San Francisco and Newark Seminaries, and Lincoln University, is subject to the veto of the Assembly.

The Assembly is also entitled by the provisions of the charters of Princeton and Western Seminaries to change one-third of the trustees at any annual meeting, and by the charter of Danville to change one-third of the trustees at any meeting in the State of Kentucky.]

II. THE THEOLOGICAL SEMINARIES.

I. Princeton Theological Seminary.

[Note.—See Baird's *Digest*, 1858, pp. 434-444, for the original Constitution of the seminary, election of professors, organization, etc.; also Moore's *Digest*, 1886, pp. 375-381, for the plan as amended by the Assembly of 1870; see *Digest*, 1886, pp. 381-383; *Minutes*, 1870, pp. 65, 66, and 1871, p. 579.

The following is "The Plan of the Theological Seminary of the Presbyterian Church in the United States of America, located at Princeton, New Jersey. Adopted by the General Assembly of 1811 and amended by subsequent Assemblies."]

1. Plan of Princeton Theological Seminary.

Article I. Of the General Assembly.

Section 1. As this institution derives its origin from the General Assembly, that body is to be considered its patron and the fountain of its power.

Sec. 2. The Board of Directors appointed by the Assembly shall have the immediate control of the seminary.

Sec. 3. The General Assembly shall, at all times, have the power of adding to the constitutional articles of the seminary, and of abrogating, altering, or amending them; but in the exercise of this power, the contemplated additions, abrogations, alterations or amendments, shall, in every case, be proposed at one Assembly, and not adopted till the Assembly of the subsequent year, except by a unanimous vote.

Article II. Of the Board of Directors.

Section 1. The Board of Directors shall consist of twenty-one ministers and nine ruling elders; of whom one-third, or seven ministers and three ruling elders, shall be chosen by the said Board annually, to continue in office three years; and the Board shall also have power to fill all vacancies which may occur in its body; all these elections, however, shall be subject to the veto of the General Assembly, to whom they shall be reported at its next meeting thereafter.

Sec. 2. The Board of Directors shall have power to elect the professors, and to remove them from office, such election and removal to be subject to the veto of the General Assembly. The said Board shall also have power to suspend temporarily a professor, preliminary to and pending an investigation of charges against his life or doctrine.

Sec. 3. The Board of Directors shall meet statedly, at least once in each year at the close of the session; and oftener on their own adjournments, if they shall judge it expedient. Nine members of the Board shall be a quorum; *Provided, always*, That of this number five at least be ministers of the Gospel.

Sec. 4. The Board shall choose, out of their own number, a President, two Vice-Presidents, and a Secretary. In the absence of the President and Vice-Presidents the senior member present shall preside.

Sec. 5. The President of the Board, or, in the event of his death,

absence or inability to act, the first Vice-President shall, at the request of any three members, expressed to him in writing, call a special meeting of the Board of Directors by a circular letter addressed to each; in which letter notice shall be given, not only of the place and time of meeting, but of the business intended to be transacted at the meeting notified; and this letter shall be sent at least ten days before the time of said meeting.

SEC. 6. The Secretary of the Board shall keep accurate records of all the proceedings of the directors; and it shall be his duty to lay these records, or a faithful transcript of the same, before the General Assembly, annually, for the unrestrained inspection of all the members.

SEC. 7. Every meeting of the Board of Directors shall be opened and closed with prayer.

SEC. 8. The Board of Directors may make rules and regulations for the performance of the duties assigned them, or for the preservation of order, not inconsistent with the prescriptions of this plan, or the orders of the General Assembly.

SEC. 9. The Board shall direct the professors of the seminary in regard to the subjects and topics on which they are severally to give instructions to the pupils, so far as the same shall not be prescribed by this plan, or by the orders of the General Assembly.

SEC. 10. It shall be the duty of the Board of Directors to inaugurate the professors of the seminary, and to direct what forms shall be used, and what services performed, on such occasions.

SEC. 11. Every director, previously to his taking his seat as a member of the Board, shall solemnly subscribe the following formula, viz.: "Approving the plan of the theological seminary of the Presbyterian Church in the United States of America, I solemnly declare and promise, in the presence of God, and of this Board, that I will faithfully endeavor to carry into effect all the articles and provisions of said plan, and to promote the great design of the seminary."

SEC. 12. It shall be the duty of the Board of Directors to watch over the conduct of the students; to redress grievances; to examine into the whole course of instruction and study in the seminary; and generally to superintend and endeavor to promote all its interests.

SEC. 13. The Board of Directors shall make, in writing, a detailed and faithful report of the state of the seminary to every General Assembly; and they may, at the same time, recommend such measures for the advantage of the seminary as to them may appear proper.

SEC. 14. At every stated meeting of the Board of Directors, unless particular circumstances render it inexpedient, there shall be at least one sermon delivered in the presence of the Board, the professors, and students, by a director or directors previously appointed for the purpose.

Article III. Of the Professors.

SECTION 1. The number of the professors in the seminary shall be increased or diminished as the Board of Directors shall from time to time direct. But when the seminary shall be completely organized, there shall not be less than three professors.

SEC. 2. No person shall be inducted into the office of Professor of Divinity but an ordained minister of the Gospel.

SEC. 3. Every person elected to a professorship in this seminary shall, on being inaugurated, solemnly subscribe the Confession of Faith Cate-

chisms and Form of Government of the Presbyterian Church, agreeably to the following formula, viz.: "In the presence of God and of the directors of this seminary, I do solemnly and *ex animo* adopt, receive and subscribe the Confession of Faith and Catechisms of the Presbyterian Church in the United States of America as the confession of my faith, or as a summary and just exhibition of that system of doctrine and religious belief, which is contained in Holy Scripture, and therein revealed by God to man for his salvation; and I do solemnly, *ex animo*, profess to receive the Form of Government of said Church, as agreeable to the inspired oracles. And I do solemnly promise and engage not to inculcate, teach, or insinuate anything which shall appear to me to contradict or contravene, either directly or impliedly, anything taught in the said Confession of Faith or Catechisms, nor to oppose any of the fundamental principles of Presbyterian Church government, while I shall continue a professor in this seminary."

SEC. 4. The salaries of the professors shall be fixed by the Board of Directors.

SEC. 5. The professors may accompany their lectures and recitations with prayer as frequently as they may judge proper, in addition to those daily seasons of prayer, in which all the students will unite.

SEC. 6. Each professor shall lay before the Board of Directors, as soon as practicable after his appointment, a detailed exhibition of the system and method which he proposes to pursue, and the subjects which he proposes to discuss, in conducting the studies of the youth that shall come under his care; and in this system he shall make such alterations or additions as the Board shall direct, so that eventually the whole course through which the pupils shall be carried, shall be no other than that which the Board of Directors shall have approved and sanctioned conformably to Sec. 9, Art. ii. And as often as any professor shall think that variations and additions of importance may be advantageously introduced into his course of teaching, he shall submit the same to the Board of Directors for their approbation or rejection.

SEC. 7. Every class shall, if practicable, have at least one lecture or recitation every day.

SEC. 8. Any professor intending to resign his office shall give six months' notice of such intention to the Board of Directors.

SEC. 9. The professors of the institution shall be considered as a faculty. They shall meet at such seasons as they may judge proper. In every meeting the senior professor present shall preside. The faculty shall choose a clerk, and keep accurate records of all their proceedings, which records shall be laid before the directors at every stated meeting of the Board. The president of the faculty shall call a meeting whenever he shall judge it expedient, and whenever he shall be requested to do so by any other member. By the faculty, regularly convened, shall be determined the hours and seasons at which the classes shall attend the professors severally, so as to prevent interference and confusion, and to afford to the pupils the best opportunities of improvement. The faculty shall attend to and decide on all cases of discipline and all questions of order, as they shall arise. They shall agree on the rules of order, decorum, and duty (not inconsistent with any provision in the plan of the seminary, nor with any order of the Board of Directors), to which the students shall be subjected, and these they shall reduce to writing, and cause to be publicly and frequently read. They shall determine the

hours at which the whole of the pupils shall, morning and evening, attend for social worship, and the manner in which, and the person or persons of their own number, by whom the exercises of devotion shall be conducted.

SEC. 10. The faculty shall be empowered to dismiss from the seminary any student who shall prove unsound in his religious sentiments, immoral or disorderly in his conduct, or who may be, in their opinion, on any account whatsoever, a dangerous or unprofitable member of the institution.

SEC. 11. Each member of the faculty shall have an equal vote.

SEC. 12. It shall be the duty of the professors, under the direction of the Board of Directors, to supply the pupils of the institution with the preaching of the Gospel, and the administration of the sacraments of the Christian Church, if this supply shall not, in the judgment of the directors, be satisfactorily furnished by a church or churches in the place where the institution shall be established.

Article IV. Of Study and Attainments.

As the particular course of study pursued in any institution will and perhaps ought to be modified in a considerable degree, by the views and habits of the teachers, and ought, moreover, to be varied, altered, or extended, as experience may suggest improvements, it is judged proper to specify, not so precisely the course of study as the attainments which must be made. Therefore,

SECTION 1. Every student, at the close of his course, must have made the following attainments, viz., he must be well skilled in the original languages of the Holy Scriptures. He must be able to explain the principal difficulties which arise in the perusal of the Scriptures, either from erroneous translations, apparent inconsistencies, real obscurities, or objections arising from history, reason or argument. He must be versed in Jewish and Christian antiquities, which serve to explain and illustrate Scripture. He must have an acquaintance with ancient geography and with Oriental customs, which throw light on the sacred records. Thus he will have laid the foundation for becoming a sound Biblical critic.

He must have read and digested the principal arguments and writings relative to what has been called the deistical controversy. Thus will he be qualified to become a defender of the Christian faith.

He must be able to support the doctrines of the Confession of Faith and Catechisms, by a ready, pertinent and abundant quotation of Scripture texts for that purpose. He must have studied, carefully and correctly, natural, didactic, polemic and casuistic theology. He must have a considerable acquaintance with general history and chronology, and a particular acquaintance with the history of the Christian Church. Thus he will be preparing to become an able and sound divine and casuist.

He must have read a considerable number of the best practical writers on the subject of religion. He must have learned to compose with correctness and readiness in his own language and to deliver what he has composed to others in a natural and acceptable manner. He must be well acquainted with the several parts, and the proper structure of popular lectures and sermons. He must have composed at least two lectures and four popular sermons, that shall have been approved by the professors. He must have carefully studied the duties of the pastoral care. Thus he will be prepared to become a useful preacher and a faithful pastor.

He must have studied attentively the form of Church government authorized by the Scriptures, and the administration of it as it has taken place in Protestant Churches. Thus he will be qualified to exercise discipline, and to take part in the government of the Church in all its judicatories.

Sec. 2. The period of continuance in the theological seminary shall, in no case, be less than three years, previously to an examination for a certificate of approbation. But students may enter the seminary, and enjoy the course of instruction for a shorter time than three years, provided they in all other respects submit to the laws of the seminary, of which facts they may receive a written declaration from the professors.

Sec. 3. There shall be an examination of all the pupils in the seminary, under the direction of the Board of Directors, at least once every year. Those pupils who shall have regularly and diligently studied for three years, shall be admitted to an examination on the subjects specified in this article. All examinations shall be conducted by the professors, in the presence of the directors, or a Committee of them. Every director present shall be at liberty, during the progress of any examination, or after the same shall have been closed by the professors, to put to any pupils such questions as he shall deem proper. Every pupil that shall have passed his final examination to the satisfaction of the directors present shall receive a certificate of the same, signed by the professors, with which he shall be remitted to the Presbytery, under whose care he is placed, to be disposed of as such Presbytery shall direct. Those who do not pass a satisfactory examination shall remain a longer space in the seminary.

Sec. 4. It shall be the object of the professors to make such arrangements in the instruction of their pupils as shall be best adapted to enable them, in the space of three years, to be examined with advantage on the subjects specified in this article.

Article V. Of Devotion and Improvement in Practical Piety.

It ought to be considered as an object of primary importance by every student in the seminary, to be careful and vigilant not to lose that inward sense of the power of godliness which he may have attained; but, on the contrary, to grow continually in a spirit of enlightened devotion and fervent piety; deeply impressed with the recollection, that without this, all his other acquisitions will be comparatively of little worth, either to himself, or to the Church of which he is to be a minister.

He must remember, too, that this is a species of improvement which must of necessity be left, in a great measure, with himself, as a concern between God and his own soul.

It is proper, however, to delineate the path of duty, express the wishes and expectations of the founders of the seminary, and to make such requirements as the nature of the subject will permit.

Section 1. It is expected that every student in the theological seminary will spend a portion of time every morning and evening in devout meditation and self-recollection and examination; in reading the Holy Scriptures, solely with a view to a personal and practical application of the passage read to his own heart, character and circumstances; and in humble, fervent prayer and praise to God in secret.

The whole of every Lord's day is to be devoted to devotional exercises, either of a social or secret kind. Intellectual pursuits, not immediately

connected with devotion or the religion of the heart, are on that day to be foreborne. The books to be read are to be of a practical nature. The conversations had with each other are to be chiefly on religious subjects. Associations for prayer and praise, and for religious conference, calculated to promote a growth in grace, are also proper for this day; subject to such regulations as the professors and directors may see proper to prescribe. It is wished and recommended, that each student should ordinarily set apart one day in a month for special prayer and self-examination in secret, and also that he should, on suitable occasions, attend to the duty of fasting.

Sec. 2. If any student shall exhibit, in his general deportment, a levity or indifference in regard to practical religion, though it do not amount to any overt act of irreligion or immorality, it shall be the duty of the professor who may observe it to admonish him tenderly and faithfully in private, and endeavor to engage him to a more holy temper, and a more exemplary deportment.

Sec. 3. If a student, after due admonition, persist in a system of conduct not exemplary in regard to religion, he shall be dismissed from the seminary.

Sec. 4. The professors are particularly charged, by all the proper means in their power, to encourage, cherish, and promote devotion and personal piety among their pupils, by warning and guarding them, on the one hand, against formality and indifference, and on the other, against ostentation and enthusiasm; by inculcating practical religion in their lectures and recitations; by taking suitable occasions to converse with their pupils privately on this interesting subject; and by all other means incapable of being minutely specified, by which they may foster true experimental religion, and unreserved devotedness to God.

Article VI. Of the Students.

Section 1. Every student applying for admission to the theological seminary shall produce satisfactory testimonials that he possesses good natural talents, and is of a prudent and discreet deportment; that he is in full communion with some regular church; that he has passed through a regular course of academical study; or, wanting this, he shall submit himself to an examination in regard to the branches of literature taught in such a course.

Sec. 2. The first six months of every student in the seminary shall be considered as probationary; and if at the end of this period, any student shall appear to the professors not qualified to proceed in his studies, they shall so report him to the Board of Directors, who, if they are of the same opinion with the professors, shall dismiss him from the seminary.

Sec. 3. The hours of study and of recreation for the students shall be fixed by the professors, with the concurrence of the directors; and every student shall pay a strict regard to the rules established, relative to this subject.

Sec. 4. Every student shall be obliged to write on such theological and other subjects, as may be prescribed to him by the professors, once a month; and shall also commit to memory a piece of his own composition, and pronounce it in public, before the professors and students.

Sec. 5. Every student shall not only preserve an exemplary moral character, but shall be expected to treat his teachers with the greatest deference and respect, and all other persons with civility.

SEC. 6. Every student shall yield a prompt and ready obedience to all the lawful requisitions of the professors and directors.

SEC. 7. Diligence and industry in study shall be considered as indispensable in every student, unless the want of health shall prevent, of which the professors shall take cognizance, and make the suitable allowance.

SEC. 8. Strict temperance in meat and drink is expected of every student, with cleanliness and neatness in his dress and habits; while all excessive expense in clothing is strictly prohibited.

SEC. 9. Every student, before he takes his standing in the seminary, shall subscribe the following declaration, viz., "Deeply impressed with a sense of the importance of improving in knowledge, prudence and piety, in my preparation for the Gospel ministry, I solemnly promise, in a reliance on divine grace, that I will faithfully and diligently attend on all the instructions of this seminary, and that I will conscientiously and vigilantly observe all the rules and regulations specified in the plan for its instruction and government, so far as the same relate to the students: and that I will obey all the lawful requisitions, and readily yield to all the wholesome admonitions of the professors and directors of the seminary, while I shall continue a member of it."

SEC. 10. The exercises of the seminary shall be suspended during eighteen weeks in every year; the number of vacations, and the times at which they shall begin and end, to be determined by the Board of Directors.

Article VII. Of the Funds.

SECTION 1. The Board of Directors are authorized to exercise all control of the funds belonging to this institution, hitherto exercised by the General Assembly, as far as can be done consistently with the will of the testators or donors; such as fixing the salary of the professors, regulating the amount required for endowment of scholarships or professorships, and keeping sacred and distinct the different funds already created, or to be hereafter created, for the specific objects for which they are given.

SEC. 2. All matters relating to finance, fixing the salaries of professors, the extent of endowment and aid of students, shall be, by the Board of Directors, submitted to the trustees of the seminary for their approval.

SEC. 3. Fair statements shall be annually presented to the Assembly, by the Board of Directors and by the trustees, of the amount of funds belonging to the seminary, of the items that constitute that amount, and of the expenditures, in detail, for the preceding year.

SEC. 4. The intention and directions of testators or donors, in regard to moneys or other property left or given to the seminary, shall, at all times, be sacredly regarded. And if any individual, or any number of individuals, not greater than three, shall by will, or during his or their lives, found or endow a professorship or professorships, a scholarship or scholarships, or a fund or funds, destined to special purposes, said professorships, scholarships or funds shall forever afterwards be called and known by the name or names of those who founded or endowed them; and if any congregation, Presbytery, Synod or association shall found a professorship or professorships, a scholarship or scholarships, or a fund or funds, said professorships, scholarships or funds shall forever afterwards be called and known by such names as the body founding them shall give.

SEC. 5. After supporting the professors, and defraying the other necessary charges of the seminary, the funds shall be applied as far as circumstances will admit, to defray or diminish the expenses of those students who may need pecuniary aid, as well as to lessen, generally, the expense of a residence at the seminary.

2. Property to be held by trustees of the Assembly.

That the trustees of this Assembly be directed to receive and hold, for the use of the theological seminary, the transfers which have been made, or shall be made, of property bequeathed to the seminary.—1814, p. 562.

3. Directors ordered to secure charter.

The following resolution was submitted to the Assembly, and adopted, viz.:

Whereas, The real estate of this General Assembly in the State of New Jersey, appertaining to the theological seminary at Princeton, is at present secured to the Assembly by the constituting of certain individuals trustees of such property; and

Whereas, There is a manifest inconvenience, if not hazard, in holding said property by such an expedient,

Resolved, That the Board of Directors, if they judge it expedient, endeavor to obtain an act of incorporation from the Legislature of said State, as a measure of prudence and safety, and that they be instructed to endeavor to obtain an act similar to that obtained in the State of Pennsylvania, and report the charter to the Assembly for adoption.—1821, p. 22.

4. Charter at first declined by the Assembly.

That the General Assembly respectfully decline, for the present, to accept the act of incorporation of the Legislature of New Jersey, entitled "An act for incorporating trustees of the Theological Seminary of the Presbyterian Church at Princeton, in the State of New Jersey," and that the act be referred to the Board of Directors to procure, if practicable, a repeal of the last clause of the act.—1823, p. 81.

5. Orders given in connection with the charter.

The Committee on the Charter of the Theological Seminary at Princeton reported and recommended the following resolutions, which were adopted, viz.:

1. *Resolved*, That the charter, with its supplement, be published in the Appendix to the *Minutes* of the present year.

2. *Resolved*, That the trustees of the Theological Seminary of the Presbyterian Church be directed to hold their first meeting at Princeton, on Tuesday preceding the next annual commencement of New Jersey College, and the present Temporary Clerk of this Assembly is hereby directed to give notice to each member at least ten days previous to said meeting.

3. *Resolved*, That the individual trustees, who hold in trust the real estate at Princeton, transfer said property to the incorporated trustees of the seminary.

4. *Resolved*, That in voting for trustees of the Theological Seminary of the Presbyterian Church, the Assembly adopt the rules which exist in relation to voting for trustees of the General Assembly, found in the *Digest*, pp. 198, 199.—1824, p. 117.

6. Trustees elected by the Assembly.

Agreeably to the order of the day, the Assembly proceeded to the election of trustees of the Theological Seminary at Princeton, when the Hon. Jonas Platt was elected in the room of John Condict, Esq.; Dr. John T. Woodhull, in the room of Ebenezer Elmer, Esq.; Horace Stockton, Esq., in the room of John Beatty, Esq.; Rev. James Carnahan, D.D., in the room of the Rev. Alexander McClelland; and the Rev. Joseph McElroy in the room of the Rev. Samuel B. How.—1826, p. 186.

Resolved, That the Assembly will make no further change in the Board this year.—1826, p. 186.

7. Agreement with the trustees of New Jersey College.

a. An extract from the minutes of the trustees of the College of New Jersey, stating the appointment of a Committee of their Board to confer with a Committee of this Assembly on the establishment of a theological school, being received, was read, and Drs. Alexander and Nott, the Rev. John P. Campbell, Messrs. Connelly and Bethune, were appointed a Committee to confer with the Committee of the trustees.—1811, p. 466.

b. This Committee reported among other things that they deem it expedient on the part of this Assembly to appoint a Committee, with ample powers, to meet a Committee on the part of the trustees of the College of New Jersey, invested with similar powers, to frame the plan of a Constitution for the theological seminary, containing the fundamental principles of a union with the trustees of that college and the seminary already established by them, which shall never be changed or altered, without the mutual consent of both parties, provided that it should be deemed proper to locate the Assembly's seminary at the same place with that of the college. [The Committee was appointed.]—1811, pp. 470, 471.

Terms of Agreement.

The following plan of agreement between a Committee appointed by the last General Assembly and a Committee of the trustees of the College of New Jersey for the location and establishment of a theological seminary, was submitted to this Assembly, and was adopted:

1. That the theological seminary about to be erected by the General Assembly shall have its location in Princeton or its immediate vicinity, in the State of New Jersey, and in such connection with the College of New Jersey as is implied in the following articles:

2. That the trustees of the college engage that the General Assembly and directors to be by them appointed shall carry into complete and full effect, without any interposition, interference, let or hindrance from them, the trustees or their successors, the whole plan of a theological seminary, as laid down and agreed upon at a meeting of the Assembly in the present year of our Lord 1811. That is to say, that the General Assembly shall appoint their directors, choose their professors, crrry on their instruction, govern their pupils and manage their funds as to them shall appear best.

3. That the trustees of the college engage to the General Assembly freely to allow them to erect at their own expense, on the grounds belonging to the college, such buildings for the accommodation of pupils and

professors as they may judge proper, and which may not interfere with the buildings and their conveniences already erected by the trustees; and to prevent all future dissatisfaction on this subject, that it be agreed that when the General Assembly or the directors of the theological seminary may wish to erect any building on the college grounds, and there shall be any discordance of views, relative to the same, then the General Assembly or the directors aforesaid shall appoint three men and the Board of Trustees the same number, and these six shall choose one man not belonging to either body; and these seven men, by a majority of votes, shall determine whether said building can be properly erected on said grounds, and if so, what shall be the site and size of the same; and that this determination shall be conclusive and final with both parties. *Provided*, nothing contained in this article shall be understood to prohibit the General Assembly or the directors of the theological seminary from making use of any other ground, within the limits prescribed in article first, for the purposes aforesaid.

4. That the trustees engage to the General Assembly to grant them every practicable accommodation in the building now existing, not only till others may be erected by the Assembly, but afterward, so long as the same may be desirable.

5. That the trustees engage to endeavor to receive into the college all the youth whom the Assembly, or the directors by them appointed, may send to it for the purpose of education, subject to such examination at entrance and to such discipline during their residence in college as the other pupils of the college are subjected to, the trustees to receive for the expenses of board, tuition and room-rent the same as for others, and giving to the Assembly the assurance that as pupils increase and the funds of the college will permit, they will reduce as low as possible all the expenses of the pupils under their care.

6. That the trustees agree to receive and hold for the use of the Assembly such sums of money as they may voluntarily choose to deposit in the hands of the trustees for improvement, so as to incur no inconvenience to such trustees from the limitation of their charter, and that such sums of money be accordingly invested in such funds as the Assembly shall direct; that the trustees pay the interest thereof, when received, to the order of the Assembly, keep it wholly separate from the funds of the college, and pay over or transfer to the order of the Assembly the principal sum whenever they shall so direct.

7. That the trustees grant to the professors and pupils of the theological seminary the free use of the college library, subject to such rules as may be adopted for the preservation of the books and the good order of the same.

8. That if the General Assembly shall wish to establish at Princeton an elementary school for the instruction of youth in such learning as usually precedes their entrance into college, the trustees agree to aid them in this undertaking, by every accommodation and all the patronage in their power, so, however, as not to engage to make drafts on the funds of the college for that purpose.

9. That if at any time the General Assembly shall find that the connection between their seminary and the college does not conduce sufficiently to the great purposes contemplated to be answered by the said seminary, they shall be at liberty to remove it to some other place; and the trustees engage that while the theological seminary shall re-

main at Princeton no professorship of theology shall be established in the college.

10. That whereas the trustees of the college have in their hands a fund, the annual income of which is nearly eighteen hundred dollars, appropriated by the donors to the education of poor and pious youth for the gospel ministry of the Presbyterian denomination, the trustees give an assurance to the Assembly that if the first of these articles take effect they will pay a high regard to the recommendation of the Assembly or of their directors as to the youth who shall receive the benefit of this fund.

ASHBEL GREEN,
RICHARD STOCKTON,
JOHN WOODHULL,
Committee of the Trustees of New Jersey College.
ARCHIBALD ALEXANDER,
JACOB J. JANEWAY,
ROBERT RALSTON,
JOHN MCDOWELL,
Committee of the General Assembly.

Princeton, June 26, 1811. —1812, p. 499.

8. The charter.

An act for incorporating trustees of the Theological Seminary of the Presbyterian Church, at Princeton, in the State of New Jersey.

1. Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Andrew Kirkpatrick, Gabriel H. Ford, Samuel L. Southard, Robert M'Neely, John Condict, of Bergen, Ebenezer Elmer, John Beatty, Alexander Henry, Benjamin Strong, Charles Ewing, Samuel Bayard, John Van Cleve, Ashbel Green, John M'Dowell, David Comfort, George S. Woodhull, Isaac V. Brown, Alexander M'Cleland, Jacob J. Janeway, James Richards and Samuel B. How and their successors, duly elected and appointed in manner as is hereinafter directed, be and they are hereby made, declared and constituted a corporation and body politic and corporate, in law and in fact, to have continuance by the name, style and title of "Trustees of the Theological Seminary of the Presbyterian Church," and by the name, style and title aforesaid, shall be persons able and capable in law as well to take, receive and hold all and all manner of lands, tenements, rents, annuities, franchises and other hereditaments which at any time or times heretofore have been granted, bargained, sold, enfeoffed, released, devised or otherwise conveyed for use of the Theological Seminary of the Presbyterian Church in the United States of America, located at Princeton, in the State of New Jersey, or any other person or persons, to the use of the said seminary, or in trust for the same; and the same lands, tenements, rents, annuities, liberties, franchises, and other hereditaments are hereby vested and established in the said corporation and their successors according to the original use and intent for which such devises, gifts and grants were respectively made; and the said corporation and their successors are hereby declared to be seized and possessed of such estate and estates therein as in and by the respective grants, bargains, sales, enfeoffments, releases, devises, and other conveyances thereof is or are declared, limited and expressed; also, that the said corporation and their successors shall be capable and able to purchase, have, receive, take, hold and enjoy, in fee simple, or of lesser estate or estates, any lands, tenements, rents, annuities, franchises and other hereditaments by the gift, grant, bargain, sale, alienation, enfeoffment, release, confirmation or devise of any person or persons, bodies politic and corporate, capable and able to make the same; and further, that the said corporation and their successors may take and receive any sum or sums of money, and any portion of goods and chattels that have been given to and for the use of the Theological Seminary at Princeton, or to the directors thereof, or to any other person or per-

sons, body politic or corporate, in trust or for the use of the said seminary, or that hereafter shall be given, sold, leased or bequeathed to the said corporation by any person or persons, bodies politic or corporate, that is able or capable to make a gift, sale, bequest or other disposal of the same; such money, goods or chattels to be laid out and disposed of for the use and benefit of the aforesaid corporation agreeably to the intention of the donors and according to the objects, articles and conditions of this act.

2. And be it enacted, That no misnomer of the said corporation and their successors shall defeat or annul any gift, grant, devise or bequest to or for the said corporation; *Provided*, The intent of the party or parties shall sufficiently appear upon the face of the gift, will, grant or other writing whereby any estate or interest was intended to pass to or for the said corporation.

3. And be it enacted, That the said corporation and their successors shall have full power and authority to make, have and use a common seal, with such device and inscription as they shall think fit and proper, and the same to break, alter and renew at their pleasure.

4. And be it enacted, That the said corporation and their successors, by the name, style and title aforesaid, shall be able and capable to sue and be sued, plead and be impleaded, in any court of law or equity in this State.

5. And be it enacted, That the said corporation and their successors shall be and hereby are authorized and empowered to make, ordain and establish by-laws and ordinances, and do everything incident and needful for the support and due government of the said corporation and managing the funds and revenues thereof; *Provided*, The said by-laws be not repugnant to the Constitution and laws of the United States, to the Constitution and laws of this State, or to this act.

6. And be it enacted, That the said corporation shall not, at any time, consist of more than one-and-twenty persons, twelve of whom shall at all times be laymen and citizens of this State, whereof the General Assembly of the Presbyterian Church in the United States may, at their annual meetings, change one-third, in such manner as to the said General Assembly shall seem proper; and the corporation aforesaid shall have power and authority to manage and dispose of all moneys, goods, chattels, lands, tenements and hereditaments, and other estate whatsoever, committed to their care and trust by the said General Assembly; but in cases where special instructions for the management and disposal thereof shall be given by the said General Assembly in writing, under the hand of their clerk, it shall be the duty of the said corporation to act according to such instructions; *Provided*, The said instructions shall not be repugnant to the Constitution and laws of the United States, or to the Constitution and laws of this State, or to this act.

7. And be it enacted, That seven members of this corporation, whereof the president, or, in his absence, the vice-president, to be one, shall be a sufficient number to transact the business thereof and to make by-laws, rules and regulations; *Provided*, That previous to any meeting of the board or corporation for such purposes, not appointed by adjournment, ten days' notice shall be previously given thereof, by the secretary or clerk of the said corporation, to each of the members of the same; and the said corporation shall and may, as often as they shall see proper, and according to the rules by them to be prescribed, choose out of their number a president and vice-president and secretary, and shall have authority to appoint a treasurer and such other officers and servants as shall by them, the said corporation, be deemed necessary, to which officers the said corporation may assign such a compensation for their services and such duties to be performed by them, to continue in office for such time and to be succeeded by others in such way and manner as the said corporation shall direct.

8. And be it enacted, That all questions before the said corporation shall be decided by a plurality of votes, whereof each member present shall have one, except the president, or vice-president when acting as president, who shall have only the casting vote and voice in case of an equality in the votes of the other members.

9. And be it enacted, That the said corporation shall keep regular and fair entries of their proceedings, and a just account of their receipts and disbursements, in a book or books to be provided for that purpose, and shall, once in a year, exhibit to the General Assembly of the Presbyterian Church in the United States of America, an exact state of the accounts and funds of said corporation, and also to the Legislature of this State, every five years.

10. And be it enacted, That the said corporation may take, receive, purchase, possess and enjoy messuages, lands, tenements, rents, annuities and other hereditaments, real and personal estate of any amount; *Provided*, That the same do not yield an annual income exceeding the sum of fifteen thousand dollars.

11. *Provided, nevertheless*, and it is hereby enacted, That nothing herein contained shall prevent the Legislature from altering, amending or repealing this act, whenever in their opinion the public good requires it.

Passed November 15, 1822.

A supplement to an act entitled "An act for incorporating trustees of the Theological Seminary of the Presbyterian Church, at Princeton, in the State of New Jersey."

Whereas, by the eleventh section of the act to which this is a supplement, the Legislature of this State has retained the power to alter, amend or repeal the said act, whenever in their opinion the public good requires it; and *whereas*, the exercise of that power may leave the property which may then be vested in the said corporation without proper trustees to manage and dispose of the same; therefore,

1. Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That in case the Legislature of this State shall, at any time hereafter, alter, amend or repeal the act to which this is a supplement, the trustees of the said seminary for the time being shall be, and they are hereby authorized and empowered at any time within one year after any such alteration, amendment or repeal, to convey all the property belonging to them, as trustees aforesaid, to any number of citizens of this State, not less than three, nor more than five, whom they may select, their heirs and assigns, who shall hold the said property thus conveyed to them, their heirs and assigns, in trust, for the sole use of said seminary, anything in the said act to the contrary notwithstanding.

Passed December 9, 1823.

A further supplement to the act entitled "An act for incorporating trustees of the Theological Seminary of the Presbyterian Church, at Princeton, in the State of New Jersey," approved the fifteenth day of November, eighteen hundred and twenty-two.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the said "Trustees of the Theological Seminary of the Presbyterian Church" may take, receive, purchase, possess and enjoy messuages, lands, tenements, rents, annuities and other hereditaments, real and personal estate of any amount; *Provided*, That the same do not yield an annual income exceeding the sum of fifty thousand dollars.

2. And be it enacted, That the tenth section of the act to which this is a supplement be and the same is hereby repealed.

Approved February 27, 1866.

An act to authorize the corporations of Theological Seminaries in this State to increase the number of their trustees.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That whenever by the charter of any Theological Seminary of this State the number of trustees thereof is limited, it shall be lawful for the said corporation or the trustees thereof, to increase the number of such trustees by appointing at least six additional trustees, dividing them into classes in the same manner as provided in such charter.

2. And be it enacted, That this act shall take effect immediately.

Approved April 20, 1876.

An act to amend an act entitled "An act to increase the number of trustees in Theological Seminaries in New Jersey."

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That whenever, by the charter of any Theological Seminary in this State, the number of trustees thereof is limited, it shall be lawful for the said corporation or the trustees thereof to increase the number of such trustees by

appointing at least six and not more than twelve additional trustees, dividing them into classes in the same manner as provided in such charter.

2. And be it enacted, That this act shall take effect immediately.

Approved March 2, 1877.

An act to authorize corporations organized for religious, educational or benevolent purposes to procure an increase of their capacity to acquire and hold real and personal property.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That whenever any corporation of this State, incorporated for religious, educational or benevolent purposes, shall, by its charter or any supplement thereto, or otherwise, be limited in the amount or value of real or personal property which it may acquire, have, hold and enjoy for the use and purposes of such corporation, and the board of trustees, directors or managers of such corporation shall desire to obtain for such corporation legal capacity to acquire, have, hold, use and enjoy a larger amount than that to which it is or shall be so limited, that it shall be lawful for such trustees, directors or managers at any stated meeting of said board, and from time to time, to adopt by vote of a majority of the whole number of such trustees, directors or managers, a resolution declaring their desire to have the amount so enlarged, and stating the amount to which it is to be so increased, and to cause a copy of such resolution, authenticated and verified as by this act directed, to be filed in the office of the secretary of State.

2. And be it enacted, That the copy of the resolution authorized by the first section of this act to be filed with the secretary of State shall be certified and authenticated under the common seal of said corporation, and shall be verified by the oath of the clerk or secretary of said corporation that the seal affixed to said copy is the common seal of said corporation, that the said copy is a true copy of the original resolution as recorded on the minutes of said board, and that it was passed as directed in the first section of this act.

3. And be it enacted, That on filing said copy of such resolution in the office of the secretary of State, it shall be thereafter lawful for the said corporation to take and receive by gift, grant, devise, bequest or purchase, and to have, hold and enjoy for the uses and purposes of the said corporation any real or personal estate not exceeding the increased amount named in said resolution, any provision of the charter of said corporation, or any supplement thereto, to the contrary notwithstanding.

4. And be it enacted, That this act shall be a public act and shall take effect immediately.

Approved March 27, 1889.

9. Answer of the Princeton Boards to the Assembly, 1895.

[NOTE.—See for the opening paragraphs of the answer, *Minutes*, 1895, p. 152.]

These Boards do not understand that the Assembly expects or desires absolute uniformity in the charters and administration of the seminaries, but that what is desired is:

1. That the property of the seminaries should be absolutely and irrevocably secured to the Presbyterian Church and its faith and government.

2. That the actual workings and teachings of the seminaries should be in true accord with the Standards of our Church; and,

3. That the Assembly shall possess some distinct and feasible mode of enforcing its control in case of any violation of duty by those to whom has been committed the immediate administration of these sacred trusts.

The directors and trustees of the Theological Seminary of the Presbyterian Church at Princeton do not antagonize, but, on the contrary, cordially acquiesce in, and are in fullest sympathy with, the sentiment of the resolutions contained in the report of the General Assembly's Committee of Conference with the Theological Seminaries, made to the General Assembly at its session in 1894, namely: That the Church should control the instruction given in its theological seminaries, and that the funds held for the purpose of theological instruction should be

used only for such education in the doctrines set forth in the Standards of the Church.

I. As to Item *a*, relating to the funds and property:

The General Assembly, in May, 1811, adopted the "Plan of the Theological Seminary of the Presbyterian Church in the United States of America, located at Princeton, N. J.," which had been reported to it by a Committee appointed by the previous Assembly in 1810.

In the Introduction to that Plan, it stated: "Influenced by the views and considerations now recited, the General Assembly, after mature deliberation, have resolved, in reliance on the patronage and blessing of the great Head of the Church, to establish a new institution, consecrated solely to the education of men for the Gospel ministry, to be denominated 'The Theological Seminary of the Presbyterian Church in the United States of America.' And to the intent that the true design of the founders of this institution may be known to the public, both now and in time to come, and especially that this design may at all times be distinctly viewed and sacredly regarded, both by the teachers and the pupils of the seminary, it is judged proper to make a summary and explicit statement of it.

"It is to form men for the Gospel ministry who shall truly believe and cordially love, and therefore endeavor to propagate and defend, in its genuineness, simplicity and fullness, that system of religious belief and practice which is set forth in the Confession of Faith, Catechisms, and Plan of Government and Discipline of the Presbyterian Church, and thus to perpetuate and extend the influence of true evangelical piety and Gospel order.

"It is to provide for the Church men who shall be able to defend her faith against infidels and her doctrines against heretics.

"It is to preserve the unity of our Church by educating her ministers in an enlightened attachment not only to the same doctrines, but to the same plan of government."

After thus founding the seminary and publishing this Plan to the public, the General Assembly proceeded to collect funds to endow and build the seminary.

In 1815, with some of these moneys, it purchased the six acres of ground upon which the main seminary building was erected; and subsequently the other buildings, or most of them, were built thereon. The title was held by individual trustees, for the seminary, as ordered by the General Assembly.

In 1821 it directed a charter to be obtained for the seminary. This was procured in 1822 and submitted to the General Assembly in 1823 and was disapproved by it. An amendment was procured, and in 1824 the charter and amendment were submitted to and accepted by the General Assembly, which at the same session adopted rules as to the election by it of the trustees of this corporation. It also directed the individual trustees to convey the real estate in Princeton to the corporation, which was done.

This corporation was called "Trustees of the Theological Seminary of the Presbyterian Church." It was authorized to receive all real and personal estate given to or acquired by it "for use of the Theological Seminary of the Presbyterian Church in the United States of America, located at Princeton, in the State of New Jersey, or any other person or persons, to the use of the said seminary, or in trust for the same."

The concluding paragraphs of Section i of the charter are: "And

further, that the said corporation and their successors may take and receive any sum or sums of money, and any portion of goods and chattels that have been given to and for the use of the Theological Seminary at Princeton, or to the directors thereof, or to any other person or persons, body politic or corporate, in trust or for the use of the said seminary, or that hereafter shall be given, sold, leased or bequeathed to the said corporation by any person or persons, bodies politic or corporate; that is able or capable to make a gift, sale, bequest or other disposal of the same; *such money, goods or chattels* to be laid out and disposed of for the use and benefit of the aforesaid corporation agreeably to the intention of the donors, and according to the *objects*, articles and conditions of this act."

Such objects clearly are, and forever must be held to be, the objects set forth in the Introduction to the plan of this seminary. They and they only are the objects for which the act of incorporation was procured, at the instance and desire of the General Assembly; and with the view and for the purpose of effectually and forever securing the funds of the seminary for theological instruction according to the Standards of our Church. It is for such purpose, under the terms of the charter itself, all funds given to this institution, without any specific trust named by the donor, must be held. And to such use and application the courts would certainly and strictly hold the trustees.

By the sixth section, the General Assembly was authorized to change, at its annual meeting, one-third of the twenty-one trustees of which the corporation was to consist, " in such manner as to the said General Assembly shall seem proper." And the corporation was empowered to manage and dispose of the property " committed to their care and trust by the said General Assembly; but in cases where special instructions for the management and disposal thereof shall be given by the said General Assembly in writing under the hand of their Clerk, it shall be the duty of said corporation to act according to such instructions."

The ninth section directed that the corporation should " once in a year exhibit to the General Assembly of the Presbyterian Church in the United States of America, an exact state of the accounts and funds of said corporation."

This history has been given in order to show how singularly careful the General Assembly and the men who founded the seminary were, so to lay its foundations that then and in all time to come—or, to quote the exact words, " now and in time to come"—the " public" and " the teachers and the pupils of the seminary" might know that it was established *solely* for the education of men for the Gospel ministry, " who shall truly believe and cordially love, and therefore endeavor to propagate and defend, in its genuineness, simplicity and fullness, that system of religious belief and practice which is set forth in the Confession of Faith, Catechisms, and Plan of Government and Discipline of the Presbyterian Church."

As these Boards understand this history and the charter of the seminary, all the property of every kind given to the General Assembly, either directly or to its corporation since 1811, and now held in any way for this seminary, is sacredly and absolutely devoted to the education of men for the Gospel ministry, according to the Standards of our Presbyterian Church; and that no property thus held, or that may hereafter be given to the seminary, or for it, can be used for any other purpose.

This, also, we are instructed by those learned in the law, is their opinion upon the subject.

These facts now recited are so inseparably interwoven into the history of our Church and of this seminary, and are so susceptible of easy proof, that it is not necessary, in the opinion of these Boards, to make any amendment to the charter of the corporation. Even if the proposed amendment was inserted in the charter, it would not make it more effective than it now is.

It is respectfully submitted that the words used in the Plan of this seminary and already quoted are fuller, stronger and more explicit for the purposes sought to be attained by the Assembly than those used in Item *a*. And, as they are so ineffaceably engraved upon the foundation stones of the seminary, it is believed by these Boards that it is unnecessary and unwise to endeavor to add to them.

II. As to Item *b*, relating to the election of trustees, directors or commissioners:

In so far as this proposed amendment relates to this seminary practically the mode suggested is in substantial accordance with the mode of election now in force. These Boards are distinctly of opinion, and have been for many years, that local Boards of Directors and Trustees are best suited to the proper government and control of the educational and fiscal affairs of the seminaries. As at present constituted, the General Assembly can change both Boards in the course of a little over one year.

III. As to Item *c*, relating to the election of professors in the seminary:

Virtually the amendment proposed is in accordance with the mode of procedure now existing, with the exception that in the Plan of the seminary the only limit to the qualifications of professors is in Article iii, Sec. 2, viz.: "No person shall be inducted into the office of Professor of Divinity but an ordained minister of the Gospel."

If any amendment is to be made like that contemplated, it would seem that *c* should contain at least a proviso that the directors should have the power to provide such instruction as they may deem necessary, till the next succeeding meeting of the General Assembly.

IV. As to Item *d*, relating to the mode of enforcing the views of the Assembly in case of a supposed violation of their duties by the Board of Directors or Trustees:

This seminary is the creation of the General Assembly, and it is right that it should have a complete mode of enforcing its control of the Boards to whom has been committed the actual management of the educational and financial affairs of the seminary.

Should the case arise, that the General Assembly was of opinion that the directors or trustees were not performing their duties aright, it could, in a short time, redress the supposed wrong by turning out of office all the directors and trustees. This amendment would strip the Assembly of this power and limit it to an appeal to an impartial court of justice, which would decide as to the alleged violation of duty.

If the Assembly should still be of opinion that such an amendment should be obtained, the Boards will endeavor to secure such action as will insure to the General Assembly the right to be represented in the courts, and to enforce its proper control over the seminary and its property.

The foregoing expresses the views of these Boards in regard to the proposed amendments.

The General Assembly, however, has appointed the Committee of Conference, in order to secure the "approval" and "consent" of these Boards to these amendments. This necessarily implies their hearty "approval" and "consent." The Boards, therefore, feel justified in expressing most respectfully their judgment, that, so far as the proposed amendments apply to this seminary, they are not necessary, and it is better that they should not be made, and for the following reasons:

First.—As has already been fully shown, all of the property now held by the seminary corporation, or that may be hereafter acquired by it in any way, is distinctly and ineffaceably dedicated to the education of men for the Gospel ministry who shall truly believe and cordially love "in its genuineness, simplicity and fullness, that system of religious belief and practice which is set forth in the Confession of Faith, Catechisms and Plan of Government and Discipline of the Presbyterian Church;" and can be used for no other purpose.

This has already been so fully stated that no more need be added.

Second.—The proposed amendments as to the election of directors and trustees and professors are substantially what now exist, and have been successfully in operation during the last twenty-five years.

Third.—As to the control of the General Assembly over both Boards, the proposed amendments lessen rather than increase the power of the Assembly.

Under the Plan of the seminary as now existing, the Assembly can, by a unanimous vote at any of its sessions, change the plan, and abolish the whole Board of Directors, and commit the educational control of the seminary to others; and if no unanimous vote can then be procured, at its next session it can accomplish this result. This is a more speedy and efficient remedy than any court of justice can supply.

Fourth.—As to the control over the trustees, the Assembly now has the power, in the opinion of learned counsel, to give them special instructions for the management and disposal of the property of the seminary, which they are bound to obey, if not repugnant to law or to the provisions of any specific trust.

In addition, it can, at any of its sessions, turn out one-third of the number, and put in an equal number of its own selection, which might give the Assembly at once a majority of the trustees. And if it did not, then at the next annual meeting of the Assembly it could turn out another third and appoint others in their places, and thus secure an undoubted majority in but little over a year. This is a more speedy and effective remedy than any which any court of justice could supply.

Fifth.—Should the directors and trustees still refuse to obey the Assembly, and to give place to the directors or trustees thus elected by the Assembly, we believe that a court of justice would furnish the General Assembly a proper remedy.

Lastly.—During nearly eighty-four years the General Assembly has been in complete harmony with the Board of Directors. During nearly seventy-one years precisely the same relations have existed between the General Assembly and the Board of Trustees. There has been no jar with either Board. During these eighty and more years, the Board of Directors and the Board of Trustees, under the wise supervision of the General Assembly, have so managed the educational and financial affairs of the seminary that it has wonderfully prospered; and a great army of ministers of the Gospel have been educated and sent forth, all of whom,

with but few exceptions, have cordially loved and sincerely believed "the system of religious belief and practice which is set forth in the Confession of Faith, Catechisms, and Plan of Government and Discipline of the Presbyterian Church."

In all of these years the professors and teachers in this seminary have taught and maintained, faithfully and unswervingly, the same beloved Standards of the Presbyterian Church.

And at no time in all its history has the fidelity of the seminary, its professors, teachers, directors and trustees, to the entire Standards of the Church been more clear, absolute and pronounced than at this very time. And never before has its list of pupils been so great as at the present session.

Is it not the wisest thing to do to let the Plan and the charter—both venerable in years—stand untouched? They have been tried and have not been found wanting.

For the reasons herein above fully set forth, the trustees and directors of Princeton Theological Seminary very earnestly express the hope and desire that the Committee of Conference, in making their report to the General Assembly, will concur with them in the belief that as to the charter of this seminary no further legislation is needed or desirable to secure the purposes declared in the Committee's report, adopted by the General Assembly, or to secure the application of the funds and property now held in furtherance of the theological education contemplated by the original founders of the seminary.—1895, pp. 153–157.

10. Action of the Assembly, 1895.

The Committee recommends the Assembly to reply to Princeton's offer, that while respecting the judgment of the Boards, and not prepared to say that it is incorrect, the Assembly is of the opinion that in order to put the matter beyond all possible question, it would be well for the Boards to do what they express their willingness to do, viz., to endeavor to secure such action as will insure to the General Assembly the right to be represented in the courts, and to enforce its proper control over the seminary and its property.—1895, p. 32.

11. Answer of the Princeton Boards, 1896.

Resolved, That the two legislative bills prepared by the Joint Committees of the Directors and Trustees, touching the power of the General Assembly to appear and sue in the courts of New Jersey, and to enforce the civil rights of the Church, be approved and be transmitted to the General Assembly's Committee of Conference for consideration.—1896, p. 187.

12. Action of the Assembly, 1896.

The Committee have considered the two bills sent to the Assembly by Princeton Seminary in order that the Assembly might decide which of the two bills submitted it prefers. Of these two bills the Committee recommend the Assembly to prefer the one of three sections.—1896, p. 122.

13. Request of the Princeton Boards, 1897.

Resolved, That the Boards of the seminary very respectfully express the hope that the General Assembly will concur in the view entertained by the Boards that all that is necessary to secure the control desired by the Assembly over the seminary will be fully attained by the shorter of

the two bills already submitted to the Assembly by the Boards.—1897, p. 169.

14. Action of the Assembly, 1897.

Princeton Seminary again asks the Assembly to designate which of the two legislative bills submitted to the last General Assembly should be adopted. This Assembly refers the directors to the decision of the Assembly of 1896, recorded on p. 122 of the *Minutes*, declaring preference for the short bill of three sections as printed in the Appendix of the *Minutes* of the last Assembly on p. 187, which decision we recommend this Assembly to reaffirm.—1897, p. 105.

II. THE THEOLOGICAL SEMINARY AT AUBURN.

[NOTE.—The Seminary at Auburn was founded in the year 1819, for the purpose of training up a ministry in what was then known as "The Western Country."—1871, p. 579. Its charter is given here. There is no other printed Plan. The Seminary is under the control of a Board of Trustees and a Board of Commissioners. The latter is composed of three members from each Presbytery of the Synods of Albany, Utica, Geneva and Western New York.—1873, p. 528. The Presbyteries are eighteen in number, and now included in the Synod of New York.]

1. The Charter.

An act to incorporate the Presbyterian Theological Seminary, established by the Synod of Geneva, at Auburn, in the County of Cayuga. Passed April 14, 1820.

Whereas, It has been represented to this Legislature, by the Committee appointed by and on behalf of the said Synod, that they have established a Theological Seminary at Auburn, in the County of Cayuga, for the purpose of completing the education of pious young men for the Gospel ministry, and have obtained funds to a considerable amount; and that an act of incorporation would better enable them to obtain and manage the necessary funds for the accomplishment of their benevolent object. Therefore:

Be it enacted by the people of the State of New York, represented in Senate and Assembly, That John Lincklaen, Glen Cuyler, Henry Davis, David Hyde, Thaddeus Edwards, Henry M'Neil, Levi Parsons, Benjamin B. Stockton, Dirck C. Lansing, William Wisner, Henry Axtel, Ebenezer Fitch, David Higgins, Seth Smith and William Brown and their successors, to be appointed as hereinafter is provided, shall be and hereby are constituted a body corporate and politic in fact and in name, by the name of "The Trustees of the Theological Seminary of Auburn, in the State of New York," and by that shall have succession and be in law capable of suing and being sued, defending and being defended, in all courts and places, and in all manner of action, suits and causes whatsoever, and may have a common seal, and change the same at pleasure; and by that name and style be capable in law of taking, purchasing, holding and conveying, both in law and equity, any estate, real or personal; *Provided nevertheless*, That the clear annual value or income of their real estate shall not exceed three thousand dollars, and that of their personal estate seven thousand dollars.

And be it further enacted, That there shall forever hereafter be fifteen Trustees of the said corporation, who shall be divided into three classes, to be numbered one, two and three. The places of the first class shall become vacant on the first Wednesday of September, in the year eighteen hundred and twenty-one; the places of the second class in one year thereafter, and the places of the third class in one year from that time; and the vacancies in the said several classes occasioned by the expiration of the time of service as aforesaid, or by resignation, death or otherwise, shall be from time to time filled up in the manner hereinafter mentioned and provided.

And be it further enacted, That the said trustees and their successors shall have the immediate care of the said seminary and the management of the estate, both real and personal, of the said institution, and shall have power to sell and otherwise dispose of the same, for the purpose of benefiting the funds of the said institution, and of applying the avails of those funds from time to time to the purposes of the said institution, in such way and manner only, and in such sums as shall be appointed and directed by the Board of Commissioners hereinafter mentioned, and shall have power to make necessary by-laws

and ordinances for the management of the said seminary; *Provided*, That the same be not inconsistent with the laws or Constitution of this State or of the United States. And further, it shall be the duty of the said trustees to keep a record and make an annual report to the said Board of Commissioners, of their doings, of the state of their funds and of the names of those whose term of service is about to expire, and of such other matters as they shall think proper, and also to report the state of their funds to the Legislature as often as they shall be thereunto required. *Provided, however*, That no student of any Christian denomination shall be excluded from a participation in the privileges of this institution on the ground of his religious persuasion.

And be it further enacted, That the aforesaid John Lincklaen, Glen Cuyler, Henry Davis, David Hyde, Thaddeus Edwards, Henry M'Neil, Levi Parsons, Benjamin B. Stockton, Dirck C. Lansing, William Wisner, Henry Axtel, Ebenezer Fitch, David Higgins, Seth Smith and William Brown be the first trustees of the said corporation, and that they shall hold their first meeting at Lynch's Inn, in the village of Auburn, on the second Wednesday of July next, when they shall proceed to divide themselves by lot into three classes, as aforesaid; and

Whereas, The said Committee, on behalf of the said Synod, have further represented that there are other Presbyteries within the State of New York, not connected with the said Synod, who are disposed to associate with them for the purpose of aiding in the accomplishment of the aforesaid benevolent object; therefore,

Be it further enacted, That a representation, annually to be chosen, of two clergymen and one layman from each of the following Presbyteries (and such other Presbyteries as shall hereafter associate with the said Synod for the purpose aforesaid), to wit: The Presbyteries of Niagara, Genesee, Rochester, Bath, Ontario, Geneva, Cayuga, Onondaga, Oneida and St. Lawrence, shall compose a Board of Commissioners, who shall have the general superintendence, management and control of the aforesaid institution; and who shall have authority to fill the places of the aforesaid trustees as they shall become vacant; to appoint the tutors, professors and other officers of the said institution; to fix and determine the salary and other compensation of the said officers; to authorize and direct all such appropriations of their funds as they shall think proper; to make by-laws and regulations for themselves; to choose their own president and other officers and to determine what number of their Board shall form a quorum for doing business.

And be it further enacted, That the first meeting of the said Board of Commissioners shall be holden at Lynch's Inn, in the village of Auburn, on the second Wednesday of July next, at two o'clock in the afternoon, and that the said Board of Commissioners shall meet afterwards on their own adjournment.

And be it further enacted, That in case the funds of the aforesaid institution shall at any time hereafter be applied to any purpose other than what is hereby expressed or intended, then and in that case all the privileges and powers hereby granted shall cease and be utterly void.

And be it further enacted, That this act shall be and hereby is declared to be a public act, and that the same shall be construed benignly and favorably for every beneficial purpose hereby intended; nor shall any non-user of the privileges hereby granted to the said corporation create or produce any forfeiture of the same; and no misnomer of the said corporation in any deed, will, testament, gift, grant, demise or other instrument, contract or conveyance, shall defeat or vitiate the same. *Provided*, The said corporation shall be sufficiently described to ascertain the intention of the parties.

And be it further enacted, That the Legislature may at any time hereafter amend, modify, or repeal this act.

Amendment.

An act to amend the act entitled, "An act to incorporate the Presbyterian Theological Seminary, established by the Synod of Geneva, at Auburn, in the County of Cayuga," passed April fourteenth, eighteen hundred and twenty. Passed March thirteenth, eighteen hundred and fifty-seven.

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of said act is amended so as to read as follows:

SEC. 5. A representation of two clergymen and one layman from each of the Presbyteries comprised in the bounds of the Synods of Geneva, Genesee, Utica and Susquehanna, and such other Presbyteries as shall hereafter associate with said Synods, for the purposes aforesaid, shall compose a Board of Commissioners, who shall have the general superintendence, management and control of the aforesaid institution, and who shall have authority to fill the places of the aforesaid trustees as they shall become vacant; to appoint tutors, professors and other officers of the said institution; to fix and determine, with the concurrence of the Board of Trustees, the salaries and other compensation of said officers, and with the like concurrence, make all other necessary appropriations of their funds; to make by-laws and regulations for themselves; to choose their own president and other officers of their Board, and to determine what number of their Board shall form a quorum for doing business; the said commissioners first chosen by each Presbytery, after this act shall take effect, shall be divided into three classes at the next annual meeting, and shall be numbered one, two and three; the first class shall hold their offices for one year, the second class for two years, and the third class for three years from the time of their respective elections; and those to be thereafter chosen to fill the vacancies shall hold their offices for three years. Should vacancies occur by removal, resignation or death, the same may be filled by the Presbyteries in which they occur.

SEC. 2. Real and personal property may be granted and conveyed, devised and bequeathed to the said institution, to be held in trust for the uses and purposes contemplated by the Act hereby amended, provided that the clear annual income of their real estate shall not exceed twenty thousand dollars, and that of their personal estate forty thousand dollars.

SEC. 3. This act shall take effect immediately, and the Legislature may at any time alter, amend or repeal the same.

STATE OF NEW YORK,
SECRETARY'S OFFICE.

I have compared the preceding with the original law on file in this office, and do hereby certify the same to be a correct transcript therefrom and of the whole of said original law.

Given under my hand and seal of office, at the city of Albany, the twenty-ninth day of May, in the year one thousand eight hundred and fifty-seven.

A. N. WAKEFIELD,
Deputy Secretary of State, pro tem.

2. Action of the trustees and commissioners of Auburn Theological Seminary, 1871.

At the annual meeting of the trustees and commissioners of the theological seminary at Auburn, May 11, 1871, it was

Resolved, That the Boards of commissioners and trustees of the Auburn Theological Seminary are anxious to comply with the proposal of the last General Assembly to submit the election of professors in this institution to the concurrence of that body, and that a joint Committee be appointed to consider whether the proposal of the General Assembly can be complied with without a change of the charter of this seminary; and if in the judgment of this Committee such a change in the charter is necessary, the Prudential Committee is hereby authorized to apply to the coming Legislature in the name of these two Boards to make it.

They further intimate that one of the embarrassments in their action was that no time was fixed for the action of the General Assembly in the exercise of their proposed veto power.—1871, p. 579.

3. The Assembly to approve professors.

The commissioners and trustees, at their annual meeting in May, 1873, took final action, declaring, "That, hereafter, the appointments of professors in this seminary be primarily made conditional upon the approval

of the General Assembly of the Presbyterian Church in the United States, and that such appointments be complete and authoritative only upon securing such approval;" and the Assembly of 1873 recognized this action.—See *Minutes*, p. 529 ; 1874, p. 104.

4. Answer of the Auburn Boards, 1895.

The Board of Commissioners of the Theological Seminary of Auburn, in the State of New York, being met in their annual session on this 9th day of May, 1895, express their gratification that several members of the General Assembly's Committee of Conference with the Theological Seminaries have accepted the invitation to meet and confer with them at this time. The commissioners have listened with interest and pleasure to the explanations given by these gentlemen of the various changes in the charters and methods of control of the theological seminaries recommended by the Assembly of 1894: and express the sincere trust that this cordial conference, with its frank interchange of opinion, has resulted in a better mutual understanding of both the views and purposes of the Assembly, and of the peculiar and advantageous position occupied by this seminary.

The Board desires to remind the Committee of Conference, and through them the General Assembly, that the Theological Seminary of Auburn is, by its charter, under the direct and efficient control of eighteen adjacent Presbyteries within the State of New York. With these Presbyteries rests the absolute and exclusive right to elect from their own number the members of this Board of Commissioners, by whom in turn the trustees and professors of the seminary are selected.

This constitutes a method of direct ecclesiastical control by which this seminary was already, within the meaning of Article ix. of the concurrent declarations of 1868 of the Reunion compact, under Synodical supervision; and which, we believe, must afford a more effective safeguard against any possible perversion of funds or franchises than restraint by the General Assembly could possibly secure. This method has also approved and commended itself by its successful and harmonious operation for three-quarters of a century.

In view of these facts, whereby the charter and government of Auburn Theological Seminary seem already to secure all these substantial ends desired by the General Assembly, and in view also of the difficulties and dangers unavoidably attendant upon any attempt to modify a venerable charter, this Board is constrained to reaffirm its judgment, as expressed in November last, that it is inexpedient to take any action which may have in view any changes in the charter, relations or methods of control of this seminary.

I am directed by the trustees of Auburn Theological Seminary to transmit the following resolution, which was unanimously adopted at our annual meeting, May 9:

Resolved, That it is the sense of this Board that it is not expedient to consent to any change in the custody and care of the funds of this institution, or in the mode of the election of members of this Board.—1895, pp. 158, 159.

5. Action of the Assembly, 1895.

[NOTE.—See No. 11, p. 419, this *Digest*.]

6. Answer of the Auburn Boards, 1896.

In view of your instructions that "effort should be continued to secure the adoption, in substance, of the Assembly's plan by all the seminaries," and that you "shall fully consider No. 9 of the Concurrent Declarations of the Reunion Compact," we make the following historical statement:

After the opening of Princeton Theological Seminary in 1812 the Presbyteries of Central and Western New York gave to that seminary their loyal support, sending both students and money. A great need was felt, however, of a theological school in this portion of the Church. This need became manifest after the founding of the Western Education Society in 1817 to aid students for the ministry. Accordingly, in 1818, a resolution was adopted by the Presbytery of Cayuga, favoring the establishment of a theological seminary within the bounds of the Synod of Geneva. An overture to the Synod brought the matter before that body in February, 1818. After long deliberation the Synod voted to take steps preparatory to the establishment of a seminary. A Committee was appointed to secure the approval of the General Assembly. The General Assembly, sitting in Philadelphia in May, 1818, replied that "they were not prepared to give any opinion or advice on the overture, believing that the said Synod are the best judges of what may be their duty in this important business."

At its next meeting the Synod voted to establish a theological seminary. Auburn was chosen as the site. A charter was prepared, and, after approval by the Synod, was passed by the Legislature of New York State on the 14th of April, 1820. Under the provisions of that charter the governing Boards of the seminary were organized, endowments secured, buildings erected, professors appointed, and at length, in October, 1821, students were received and the work of teaching was begun. In 1857 the charter was amended in a few particulars, but in no wise changed as to its fundamental principles.

The charter of Auburn creates no self-perpetuating Board of Control. Auburn Seminary has no autonomy. Its founders were intent on making it organically a part of the Presbyterian Church. Their plan, set in order by the Synod and with full permission of the General Assembly, was yet wholly Presbyterial. The charter provides that the government of the seminary shall be vested in a board of fifty-four commissioners (chosen three each from eighteen Presbyteries), "who shall have the general superintendence, management and control of the aforesaid institution, and who shall have authority to fill the places of the aforesaid trustees, as they shall become vacant; to appoint tutors, professors and other officers of the said institution; to fix and determine, with the concurrence of the Board of Trustees, the salaries and other compensation of said officers, and, with the like concurrence, make all other necessary appropriations of their funds; to make by-laws and regulations for themselves; to choose their own president and other officers of their Board, and to determine what number of their Board shall form a quorum for doing business." A Board of fifteen Trustees is elected (five each year) by the Board of Commissioners, to act as the body corporate and to manage the estate of the seminary.

The supreme control of the seminary is thus entirely in the hands of the Board of Commissioners. This Board is composed of two ministers

and one layman from each of the eighteen Presbyteries. As elders are the only laymen having seats in the Presbyteries, it has followed that the Board of Commissioners is composed of thirty-six ministers and eighteen elders, who have all, in their ordination as ministers and elders, solemnly declared their adherence to the doctrines and constitution of the Presbyterian Church in the United States of America. Moreover, the power of their election rests back on the eighteen Presbyteries, which are composed of 636 ministers and their associated elders, representing 96,546 members of the Presbyterian Church. May not that number of Presbyterians in good standing, being more than one-tenth of the total communicants of the Church, be trusted to manage aright the affairs of a theological seminary?

It is readily seen from the above account that the charter of Auburn Seminary is a simple device whereby the Presbyterian Church *itself* holds the funds and controls the teaching of the seminary. It provides, not simply for a correction of abuses if such should arise (which is the principal virtue of the Assembly's plan you were appointed to further), but for a direct and constant exercise of supreme authority through regularly constituted Presbyteries over all the affairs of the seminary. It makes Auburn Seminary as much a part of the Presbyterian Church as a branch is a part of the vine whose life it shares.

Under this charter the government of Auburn Seminary has been administered for seventy-six years, during which the history of our Church has been eventful and varied. The seminary has, of course, shared the fate of its governing Presbyteries. When they were exscinded, it was exscinded; when they joined in the Reunion, the seminary came in along with them, and was acknowledged as a trustworthy Presbyterian institution. Concurrent Declaration No. 9 of the Reunion Compact covers Auburn's case. It is as follows:

"In order to a uniform system of ecclesiastical supervision, those theological seminaries that are now under Assembly control may, if their Boards of Direction so elect, be transferred to the watch and care of one or more of the adjacent Synods; and the other seminaries are advised to introduce as far as may be, into their Constitutions, the principle of Synodical or Assembly supervision; in which case they shall be entitled to an official recognition and approbation on the part of the General Assembly."

We regard this as the seal of the Church's approval upon the government of our seminary.

To press upon Auburn the Assembly's plan is plainly contrary to the provisions of this Declaration, for according to the Assembly's plan the final control of the funds and teaching of every seminary which adopts it will be vested in the General Assembly, which, as far as any such seminary is concerned, is made a legal entity with power to sue and enforce its rights. This we regard as subversive of the Auburn principle of government by Presbyteries.

The efficiency of Auburn's government has been proven by three-quarters of a century of successful operation. It has besides served to bind the seminary very closely to the churches of Northern and Western New York, arousing their interest in the seminary's work, calling out their prayers in its behalf and encouraging a generous financial support. In times of theological differences, Auburn Seminary has been in some

measure relieved of annoyance. No one is authorized to define its position. It has no position of its own, save as it is identified with the Presbyteries which absolutely control its policy.

Never has the government of Auburn ever proved itself more flexible and efficient than in this present time when the work of the seminary is greatly expanding. In view of all these considerations we most warmly and enthusiastically hold to our present charter, as attaining, more fully than does the Assembly's plan, the worthy object for which your Committee was originally appointed, and which was reaffirmed in your instructions by the Assembly of 1895, viz.: "That the Assembly is persuaded that the Church should have direct connection with and control over its theological seminaries."

In conclusion, we, the Board of Commissioners, express our firm conviction that Auburn Seminary ought to be continued under its present form of government, which was devised and instituted with the full knowledge and permission of the General Assembly, which, being Presbyterial, has accorded well with the spirit and methods of the Presbyterian Church through seventy-six years of successful administration, and which is distinctly recognized and commended in Concurrent Declaration No. 9 of the Reunion Compact referred to in your instructions.—1896, pp. 189, 190.

7. Action of the Assembly, 1896.

The Committee of Conference with the Theological Seminaries also reported in reference to the scope and effect of Concurrent Resolution No. 9, of the Assemblies of 1869, including an answer to a communication from Auburn Seminary. The report was adopted and is as follows:

The General Assembly of 1895 instructed its Committee on Theological Seminaries by the following resolution:

"That this Committee be instructed that in the prosecution of its work, and in its report to the next General Assembly, it shall fully consider No. 9 of the Concurrent Declarations of the Reunion Compact in relation to those seminaries now under Synodical and Presbyterial control."

No. 9 of the Concurrent Declarations here referred to was adopted by the General Assembly of 1869, and is in the following words:

"In order to a uniform system of ecclesiastical supervision, those theological seminaries that are now under Assembly control may, if their Boards of Directors so elect, be transferred to the watch and care of one or more of the adjacent Synods; and the other seminaries are advised to introduce, as far as may be, into their constitutions, the principle of Synodical or Assembly supervision; in which case they shall be entitled to an official recognition and approbation on the part of the General Assembly."

Declaration No. 9 sets forth (1) a principle, viz., a uniform system of ecclesiastical supervision of the seminaries, (2) methods of securing such supervision by Synod or Assembly, and (3) the offer of official recognition and approbation on the part of the General Assembly.

It was found that while all of the seminaries approved of the principle of uniform supervision, most of them disapproved of the method of direct Assembly control by which the Assembly elected the professors, and no seminary approved of Synodical supervision. The next year Union Seminary suggested a method which has since been known as the

Compact of 1870. This is the method of giving the Assembly the veto power, and was acceptable to all of the seminaries. All went well until it was found that the Assembly could not make its veto power effective.

Then the Assembly was compelled in righteousness and self-defense to say to all of the seminaries that it was necessary to put the Compact of 1870 into legal form, so that, in the event of any seminary refusing to be bound by the veto of the Assembly, such veto could be enforced.

The answer of Auburn Seminary made to this Assembly seems to your Committee to be in error in two points: (1) In supposing that the intent or effect of the Assembly's recommendations is to vest in the Assembly the final control of the funds of our seminaries. This is replied to in the main report of this Committee. (2) In affirming that the "Presbyterial relation of Auburn Seminary is distinctly recognized and commended in Concurrent Declaration No. 9." That declaration sets forth Synodical or Assembly supervision and not Presbyterial. Auburn Seminary never amended its charter so as to come under the supervision of any Synod. The Presbyteries which elected the Commissioners of Auburn Seminary constituted the Synod of Geneva, but the Synod, as such, never had any relation to, much less supervision of, Auburn Seminary. The Assembly heartily recognizes the fact that the history of Auburn Seminary puts it into a different situation from that of some of the other seminaries. It is in the control of eighteen Presbyteries, but the only relation existing between the Assembly and the seminary is a resolution of its Board giving the right of approval to the election of its professors. The Assembly has found that a simple resolution of a seminary Board may become invalid by subsequent action of that Board and thus be of no effect. While there is not now and never has been any difference of judgment between the Assembly and the Auburn Board, yet the Assembly desires to know if there should arise a difference of judgment which judgment should prevail? We believe that those who at present have charge of Auburn Seminary would reply that the judgment of the Assembly should prevail. As the General Assembly has no assurance that a subsequent Board would not feel at liberty to disregard the Assembly's judgment, the Assembly asks Auburn Seminary that the agreement which now exists under the form of a simple resolution be made legally effective and binding.—1896, pp. 124, 125.

8. Answer of the Auburn Boards, 1897.

Resolved, That the following reply be sent to the General Assembly of 1897, in view of the instructions voted by the General Assembly of 1896, to the Boards of Control of Theological Seminaries:

Having duly considered the recommendations of the last General Assembly, regarding the safeguarding of the funds and teaching in the several theological seminaries, we, the Board of Commissioners of Auburn Theological Seminary, are happy to announce that another successful year of seminary administration has confirmed us in the truth of our statement made to the Assembly of 1896:

"The control of Auburn Seminary, at first exercised by the Synod of Geneva, through its ten Presbyteries, and later by the Synods of Geneva, Genesee, Utica and Susquehanna, through their eighteen Presbyteries, and now through those same eighteen Presbyteries, forming a part of the great Synod of New York, and which we believe is referred to in resolution No. 9 of the Reunion Compact, is so sure, so flexible, so

thoroughly Presbyterian, and has been administered with so remarkable success during seventy-six years, that we can devise no changes, which, in our judgment, will enable the Church to have a more effective control of our seminary."

We, therefore, with great pleasure, assure you of our fulfillment of the instruction of the General Assembly of 1896 to the Boards of control of the various seminaries, viz.: "That they may see their way clear to come to such a conclusion, that all the funds and property in their hands, and the teaching in said seminaries, may be so completely safeguarded to the Church, that benevolent persons contemplating making gifts or bequests to these institutions may have the fullest confidence in the future security of said gifts or bequests."

Adopted May 6, 1897.

A true copy of the original on file.

[1897, p. 107.] FREDERICK W. PALMER, *Stated Clerk.*

9. Action of the Assembly, 1897.

[NOTE.—See No. 13, p. 421, this *Digest*.]

III. WESTERN THEOLOGICAL SEMINARY AT ALLEGHENY, PA.

[NOTE.—For the history of its founding, etc., see Baird's *Digest*, 1858, pp. 444–447, and Moore's *Digest*, 1886, pp. 387–389; also pp. 393–395.]

1. The Plan of the Western Seminary.

Article I. Of the General Assembly.

1. As this institution derives its origin from the General Assembly, that body is to be considered its patron and the fountain of its powers.

2. The Board of Directors shall have the immediate control of the seminary.

3. The General Assembly shall, at all times, have the power of adding to the Constitutional articles of the seminary, and of abrogating, altering or amending them; but, in the exercise of this power, the contemplated additions, abrogations, alterations or amendments, shall, in every case, be proposed at one Assembly, and not adopted till the Assembly of the subsequent year, except by unanimous vote.

Article II. Of the Board of Directors.

1. The Board of Directors shall consist of forty members, twenty-eight ministers and twelve ruling elders; one-fourth to be chosen annually, and shall have power to fill any vacancies which may hereafter occur in the body, subject always, however, to the veto of the General Assembly, the election to be (by ballot) at the regular spring meeting.

2. The Board of Directors shall have power to elect the professors, and to remove them from office, such election and removal to be subject to the veto of the General Assembly. The said Board shall also have power to suspend temporarily a professor preliminary to and pending an investigation of charges against his life or doctrine.

3. The Board of Directors shall meet statedly twice in each year, once in the spring and once in the fall, and oftener on their own adjournments, if they shall judge it expedient. Eleven members of the Board shall be a quorum; *Provided, always*, That of this number, five, at least, be ministers of the Gospel.

4. The Board shall choose out of their own number, a president, vice-

president and secretary. In the absence of the president and vice-president, the senior member present shall preside.

5. The president of the Board, or in the event of his death, absence, or inability to act, the vice-president shall, at the request of any three members, expressed to him in writing, call a special meeting of the Board of Directors by a circular letter addressed to each; in which letter notice shall be given, not only of the place and time of meeting, but of the business intended to be transacted at the meeting notified; and this letter shall be sent at least ten days before the time of said meeting.

6. The secretary of the Board shall keep accurate records of all the proceedings of the directors; and it shall be his duty to lay these records, or a faithful transcript of the same, before the General Assembly, when required, for the unrestrained inspection of all the members.

7. The Board shall direct the professors of the seminary, in regard to the subjects and topics on which they are severally to give instructions to the pupils, so far as the same shall not be prescribed by this plan.

8. It shall be the duty of the Board of Directors to inaugurate the professors of the seminary, and to direct what forms shall be used, and what services performed, on such occasions.

9. Every director, previously to his taking his seat as a member of the Board, shall solemnly subscribe the following formula, viz.: "Approving the plan of the Western Theological Seminary of the Presbyterian Church in the United States of America, I solemnly declare and promise, in the presence of God and of this Board, that I will faithfully endeavor to carry into effect all the articles and provisions of said plan, and to promote the great design of the seminary."

10. The Board of Directors shall inspect the fidelity of the professors, especially in regard to the doctrines actually taught; and if, after due inquiry and examination, they shall judge that any professor is either unsound in the faith, opposed to the fundamental principles of Presbyterian Church government, immoral in his conduct, unfaithful to his trust, or incompetent to the discharge of his duties, they shall forthwith remove him, and appoint another in his place.

11. It shall be the duty of the Board of Directors to watch over the conduct of the students; to redress grievances; to examine into the whole course of instruction and study in the seminary, and generally to superintend and endeavor to promote all its interests.

Article III. Of the Professors.

1. The number of the professors in the seminary shall be increased or diminished as the Board of Directors shall, from time to time, direct.

2. No person shall be inducted into the office of professor of divinity but an ordained minister of the Gospel.

3. Every person elected to a professorship in the seminary shall, upon being inaugurated, solemnly subscribe the Confession of Faith, Catechisms and Form of Government of the Presbyterian Church, agreeably to the following formula, viz.: "In the presence of God and of the directors of this seminary, I do solemnly and *ex animo* adopt, receive and subscribe the Confession of Faith and Catechisms of the Presbyterian Church in the United States of America, as the confession of my faith, or as a summary and just exhibition of that system of doctrine and religious belief which is contained in Holy Scripture, and therein revealed by God to man for his salvation; and I do solemnly *ex animo*

profess to receive the Form of Government of said Church, as agreeable to the inspired oracles. And I do solemnly promise and engage, not to inculcate, teach or insinuate anything which shall appear to me to contradict or contravene, either directly or impliedly, anything taught in the said Confession of Faith or Catechisms; nor to oppose any of the fundamental principles of Presbyterian Church government while I shall continue a professor in this seminary.''

4. The salaries of the professors shall be fixed by the Board of Directors.

5. Each professor shall lay before the Board of Directors, as soon as practicable after his appointment, a detailed exhibition of the system and method which he proposes to pursue, and the subjects which he proposes to discuss in conducting the studies of the youth that shall come under his care; and in this system he shall make such alterations or additions as the Board shall direct, so that eventually the whole course through which the pupils shall be carried, shall be no other than that which the Board of Directors shall have approved and sanctioned conformably to Art. II, Sec. 7. And as often as any professor shall think that variations and additions of importance may be advantageously introduced into his course of teaching, he shall submit the same to the Board of Directors for approbation or rejection.

6. Any professor intending to resign his office, shall give six months' notice of such intention to the Board of Directors.

7. The professors of the institution shall be considered as a faculty. They shall meet at such seasons as they may judge proper. In every meeting the senior professor present shall preside. The faculty shall choose a clerk, and keep accurate records of all their proceedings, which records shall be laid before the directors at every meeting of the Board. The president of the faculty, *i. e.*, the senior professor, shall call a meeting whenever he shall judge it expedient, and whenever requested by any other member. By the faculty, regularly convened, shall be determined the hours and seasons at which the classes shall attend the professors severally, so as to prevent interference and confusion, and to afford to the pupils the best opportunities of improvement. The faculty shall attend to and decide on all cases of discipline, and all questions of order, as they shall arise. They shall agree on the rules of order, decorum and duty (not inconsistent with any provision in the plan of the seminary, nor with any order of the Board of Directors), to which the students shall be subjected, and these they shall reduce to writing, and cause to be publicly and frequently read. They shall determine the hours at which the whole of the pupils shall, morning and evening, attend for social worship; and the manner in which, and the person or persons of their own number by whom, the exercises of devotion shall be conducted.

8. The faculty is empowered to dismiss from the seminary any student who shall prove unsound in his religious sentiments, immoral or disorderly in his conduct, or who may be, in their opinion, on any account whatsoever, a dangerous, or unprofitable member of the institution.

9. It shall be the duty of the professors, under the direction of the Board of Directors, to supply the pupils of the institution with the preaching of the Gospel, and the administration of the sacraments of the Christian Church; if this supply shall not, in the judgment of the directors, be satisfactorily furnished by a church or churches in the place where the institution is established.

Article IV. Of Study and Attainments.

As the particular course of study pursued in any institution will, and perhaps ought to, be modified in a considerable degree, by the views and habits of the teachers, and ought, moreover, to be varied, altered or extended, as experience may suggest improvements, it is judged proper to specify, not so precisely the course of study as the attainments which must be made. Therefore,

1. Every student, at the close of his course, must have made the following attainments, viz.: He must be well skilled in the original languages of the Holy Scriptures. He must be able to explain the principal difficulties which arise in the perusal of the Scriptures, either from erroneous translations, apparent inconsistencies, real obscurities or objections arising from history, reason or argument. He must be versed in Jewish and Christian antiquities, which serve to explain and illustrate Scripture. He must have an acquaintance with ancient geography, and with Oriental customs, which throw light on the sacred records. Thus he will have laid the foundation for becoming a sound Biblical critic.

He must have read and digested the principal arguments and writings relative to what has been called the deistical controversy. Thus will he be qualified to become a defender of the Christian faith.

He must be able to support the doctrines of the Confession of Faith and Catechisms, by a ready, pertinent and abundant quotation of Scripture texts for that purpose. He must have studied carefully and correctly, natural, didactic, polemic and casuistic theology. He must have a considerable acquaintance with general history and chronology, and a particular acquaintance with the history of the Christian Church. Thus he will be preparing to become an able and sound divine and casuist.

He must have read a considerable number of the best practical writers on the subject of religion. He must have learned to compose with correctness and readiness in his own language, and to deliver what he has composed to others in a natural and acceptable manner. He must be well acquainted with the several parts, and the proper structure of popular lectures and sermons. He must have composed at least two lectures and four popular sermons, that shall have been approved by the professors. He must have carefully studied the duties of the pastoral care. Thus he will be prepared to become a useful preacher and a faithful pastor.

He must have studied attentively the form of Church government authorized by the Scriptures, and the administration of it as it has taken place in Protestant Churches. Thus he will be qualified to exercise discipline, and to take part in the government of the Church in all its judicatories.

2. The period of continuance in the theological seminary shall, in no case, be less than three years, previously to an examination for a certificate of approbation. But students may enter the seminary, and enjoy the course of instruction for a shorter time than three years; *Provided*, They in all other respects submit to the laws of the seminary, of which facts they may receive a written declaration from the professors.

3. There shall be an examination of all the pupils in the seminary at every stated spring meeting of the Board of Directors. These pupils, who shall have regularly and diligently studied for three years, shall be admitted to an examination on the subjects specified in this article. All

examinations shall be conducted by the professors, in the presence of the directors, or a committee of them. Every director present shall be at liberty, during the progress of any examination, or after the same shall have been closed by the professors, to put to any pupil such questions as he shall deem proper. Every pupil who shall have passed his final examination, and at least one previous annual examination, to the satisfaction of the directors present, shall receive a certificate of the same, signed by the professors, with which he shall be remitted to the Presbytery under whose care he is placed, to be disposed of as such Presbytery shall direct. Those who do not pass a satisfactory examination shall remain a longer space in the seminary.

4. It shall be the object of the professors to make such arrangements in the instruction of their pupils as shall be best adapted to enable them in the space of three years to be examined with advantage on the subjects specified in this article.

Article V. Of Devotion and Improvement in Practical Piety.

It ought to be considered as an object of primary importance by every student in the seminary, to be careful and vigilant not to lose that inward sense of the power of godliness which he may have attained; but, on the contrary, to grow continually in a spirit of enlightened devotion and fervent piety; deeply impressed with the recollection that without this, all his other acquisitions will be comparatively of little worth, either to himself or to the Church of which he is to be a minister.

He must remember, too, that this is a species of improvement which must of necessity be left, in a great measure, with himself, as a concern between God and his own soul.

It is proper, however, to delineate the path of duty, to express the wishes and expectations of the founders of the seminary, and to make such requirements as the nature of the subject will permit. Hence:

1. It is expected that every student in the theological seminary will spend a portion of time every morning and evening in devout meditation and self-recollection and examination; in reading the Holy Scriptures, solely with a view to a personal and practical application of the passage read, to his own heart, character and circumstances; and in humble fervent prayer and praise to God in secret.

The whole of every Lord's day is to be devoted to devotional exercises, either of a social or secret kind. Intellectual pursuits, not immediately connected with devotion or the religion of the heart, are on that day to be foreborne. The books to be read are to be of a practical nature. The conversations had with each other are to be chiefly on religious subjects. Associations for prayer and praise, and for religious conference, calculated to promote a growth in grace, are also proper for this day: subject to such regulations as the professors and directors may see proper to prescribe. It is wished and recommended, that each student should ordinarily set apart one day in each month for special prayer and self-examination in secret and also that he should, on suitable occasions, attend to the duty of fasting.

2. If any student shall exhibit in his general deportment, a levity or indifference in regard to practical religion, though it do not amount to any overt act of irreligion or immorality, it shall be the duty of the professor who may observe it, to admonish him tenderly and faithfully in

private, and endeavor to engage him to a more holy temper, and a more exemplary deportment.

3. If a student, after due admonition, persist in a system of conduct not exemplary in regard to religion, he shall be dismissed from the seminary.

4. The professors are particularly charged, by all the proper means in their power, to encourage, cherish and promote devotion and personal piety among their pupils, by warning and guarding them, on the one hand, against formality and indifference, and on the other, against ostentation and enthusiasm; by inculcating practical religion in their lectures and recitations; by taking suitable occasions to converse with their pupils privately on this interesting subject; and by all other means, incapable of being minutely specified, by which they may foster true experimental religion, and unreserved devotedness to God.

Article VI. Of the Students.

1. Every student applying for admission to the theological seminary shall produce satisfactory testimonials that he possesses good natural talents, and is of a prudent and discreet deportment; that he is in full communion with some regular church; that he has passed through a regular course of academical study, or, wanting this, he shall submit himself to an examination in regard to the branches of literature taught in such a course.

2. The first six months of every student in the seminary shall be considered as probationary; and if, at the end of this period, any student shall appear to the professors not qualified to proceed in his studies, they shall so report him to the Board of Directors, who, if they are of the same opinion with the professors, shall dismiss him from the seminary.

3. The hours of study and of recreation for the students shall be fixed by the professors, with the concurrence of the directors, and every student shall pay a strict regard to the rules established relative to this subject.

4. Every student shall be obliged to write on such theological and other subjects as may be prescribed to him by the professors. In the first year, every student shall be obliged to produce a written composition on such subjects at least once in every month; in the second year, once in three weeks; in the third year, once in two weeks. Once a month each student shall also commit to memory a piece of his own composition, and pronounce it in public, before the professors and students.

5. Every student shall not only preserve an exemplary moral character, but shall be expected to treat his teachers with the greatest deference and respect, and all other persons with civility.

6. Every student shall yield a prompt and ready obedience to all the lawful requisitions of the professors and directors.

7. Diligence and industry in study shall be considered as indispensable in every student, unless the want of health shall prevent, of which the professors shall take cognizance, and make the suitable allowance.

8. Strict temperance in meat and drink is expected of every student, with cleanliness and neatness in his dress and habits; while all excessive expense in clothing is strictly prohibited.

9. Every student, before he takes his standing in the seminary, shall subscribe the following declaration, viz.: "Deeply impressed with a sense of the importance of improving in knowledge, prudence and piety,

in my preparation for the Gospel ministry, I solemnly promise, in a reliance on divine grace, that I will faithfully and diligently attend to all the instructions of this seminary, and that I will conscientiously and vigilantly observe all the rules and regulations specified in the plan for its instruction and government, so far as the same relate to the students; and that I will obey all the lawful requisitions, and readily yield to all the wholesome admonitions of the professors and directors of the seminary, while I shall continue a member of it."

10. The term of study in the seminary shall commence on the second Monday in September, annually, and continue till Wednesday before the fourth Tuesday in April of the following year.

Article VII. Of the Funds.

1. The Board of Directors are authorized to exercise all the control of the funds belonging to this institution, hitherto exercised by the General Assembly, as far as this can be done consistently with the will of the testators and donors; such as fixing the salary of the professors, regulating the amount required for endowment of scholarships or professorships, and keeping sacred and distinct the different funds already created, or to be hereafter created, for the specific objects for which they are given.

2. All matters relating to the finances except fixing the salaries of professors, the extent of endowment, and the aid of students, shall be, by the Board of Directors, submitted to the trustees of the seminary for their approval.

3. Fair and full statements shall be annually presented to the Assembly, by the Board of Directors or by the trustees, of the amount of funds belonging to the seminary, of the items which constitute that amount, and of the receipts and expenditures in detail for the preceding year.

4. The intention and directions of testators or donors, in regard to moneys or other property left, or given to the seminary, shall, at all times, be sacredly regarded. And if any individual or any number of individuals, not greater than three, shall by will, or during his or their lives, found or endow a professorship or professorships, a scholarship or scholarships, or a fund or funds, destined to special purposes, said professorships, scholarships or funds shall forever afterwards be called and known by the name or names of those who founded or endowed them, unless otherwise directed. And if any congregation, Presbytery, Synod or association, shall found a professorship or professorships, scholarship or scholarships, or a fund or funds, said professorship or professorships, or scholarship or scholarships, fund or funds, shall forever afterwards be called or known by such name as the body founding them shall give.*

5. After supporting the professors, and defraying the other necessary charges of the seminary, the funds shall be applied, as far as circumstances will admit, to defray or diminish the expenses of those students who may need pecuniary aid, as well as to lessen, generally, the expense of a residence at the seminary.

* The sum necessary to endow a professorship is not less than $25,000; and to endow a scholarship not less than $3000. These sums, however, taking things at their present value, are quite too small. New action is hence called for on this subject.—*Publishing Committee.*

Article VIII. Of the Board of Trustees.

1. The Board of Trustees of the Western Theological Seminary, as incorporated by the Legislature of the State of Pennsylvania, consists of thirty members, to be elected by the General Assembly when meeting in the State of Pennsylvania, and no more than one-third to be changed in any one year.

2. To the trustees is committed the custody and disbursement of the funds of the institution for the purposes for which they were appropriated by the donors, or according to the plan of the seminary.

3. The Board of Trustees shall meet twice in each year (in April and in November), at such time and place as may be designated, and oftener on their own adjournment, or on the call of the president.

4. The officers of the Board shall consist of a president, vice-president, secretary and treasurer, to be chosen annually, at the spring meeting of the Board, and to continue in office until their successors are elected.

2. The Charter of the Western Seminary.

No. 116.

An act incorporating the Trustees of the Western Theological Seminary of the Presbyterian Church in the United States of America, at the City of Allegheny, in the State of Pennsylvania.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That David McConaughy, A. O. Patterson, Robert Dunlap, A. D. Campbell, N. Gillett, James Culbertson, Absalom McCready, Robert Johnson, William Jeffrey, C. C. Beatty, Samuel McFarren, Loyal Young, Geo. Marshall, Algernon McMaster, Alexander Laughlin, Francis G. Bailey, Thos. Kiddoo, Harmar Denny, Alexander Semple, Malcom Leech, Francis Herron, E. P. Swift, Matthew Brown, W. B. McIlvaine, John Stockton, Ebenezer Graham, Jas. Alexander, Robert Wray, Benjamin Williams and Frederick Lorenz, and their successors duly elected and appointed in the manner as is hereinafter directed, be and they are hereby made, declared, and constituted a corporation and body politic and corporate in law and in fact, to have continuance forever, by the name, style and title of "*The Trustees of the Western Theological Seminary of the Presbyterian Church in the United States of America*" and by the name, style and title aforesaid shall forever hereafter be persons able and capable in law, as well to take, receive and hold all and all manner of lands, tenements, rents, annuities, reversions, franchises, and other hereditaments whatsoever, which at any time or times heretofore have been granted, bargained, sold, enfeoffed, released, devised or otherwise conveyed or vested for the use of the Western Theological Seminary of the Presbyterian Church in the United States of America, located at the City of Allegheny, State of Pennsylvania, in or to any other person or persons, to the use of said seminary, or in trust for the same, by this Commonwealth, or by any person or persons whomsoever; and the same lands, tenements, rents, annuities, reversions, liberties, franchises, and other hereditaments, are hereby vested and established in said corporation forever, according to the original use and intent for which such devises, gifts, grants, releases, or other conveyances were respectively made; and the said corporation and their successors are hereby declared to be seized and possessed of such estate and estates therein, as in and by their respective grants, bargains, sales, enfeoffments, gifts, devises, releases, and other conveyances thereof, is or are declared, limited or expressed; also, that the said corporation and their successors at all times hereafter shall be capable and able to purchase, have and receive, take, hold and enjoy in fee simple, or of lesser estate or estates, all and all manner of lands, tenements, rents, annuities, franchises and hereditaments, by the gift, grant, bargain, sale, alienation, enfeoffment, release, confirmation or devise, to any person or persons, bodies politic and corporate, capable and able to make the same; and further, that the said corporation and their successors may take and receive any sum or sums of money and any por-

tion of goods and chattels that have been given or bequeathed to, and for the use of, the Western Theological Seminary of the Presbyterian Church in the United States of America, at the City of Allegheny, or to the Directors thereof, or to any other person or persons, body politic or corporate, in trust or for the use of said seminary; or that shall hereafter be given, sold, leased, or bequeathed to the said corporation, by any person or persons, body politic or corporate, that is able or capable to make sale, lease, bequeath or other disposal of the same, such money, goods or chattels, to be laid out and disposed of for the use and benefit of the aforesaid corporation, agreeably to the will and intention of the donors, and according to the objects and articles, and conditions of this act, or according to the articles and by-laws of said corporation;

Provided, That this act shall not be so construed as to impair or affect the right of other persons or corporations, or to vest in said corporation any other estate, right or title in the lands and tenements heretofore held by any person or persons for the use of said Western Theological Seminary, by grant from the Commonwealth or conveyance from any person or persons, than were held and enjoyed by such person or persons at, or before the passage of this act; and that in all suits now pending, or hereafter brought, concerning the real estate held or claimed by any person or persons, for the use of said Seminary, prior to the passage of this act, the right and title to the same shall be tried and determined as if this act had not been passed.

Sec. 2. And be it further enacted by the authority aforesaid, That no misnomer of the said corporation and their successors shall defeat or annul any gift, grant, devise or bequest, to or for the said corporation; *Provided*, The intent of the party or parties shall sufficiently appear upon the face of the gift, grant, will or other writing whereby any estate or interest was intended to pass to or for the said corporation.

Sec. 3. And be it further enacted by the authority aforesaid, That the said corporation and their successors shall have full power to make, have and use one common seal, with such device and inscription as they shall deem proper, and the same to break, alter and renew at their pleasure.

Sec. 4. And be it further enacted by the authority aforesaid, That the said corporation and their successors by the name, style and title aforesaid, shall be able and capable in law to sue and be sued, plead and be impleaded in any court or courts, before any judge or judges, justice or justices, in all and in all manner of suits, complaints, pleas, causes, matters and demands, of whatsoever nature, kind or form they may be; and all and every matter and thing to do, in as full and effectual a manner as any other person or persons, body politic and corporate, within this Commonwealth may or can do.

Sec. 5. And be it further enacted by the authority aforesaid, That the said corporation and their successors shall be, and hereby are, authorized and empowered to make, ordain and establish rules, by-laws and ordinances, and do everything needful and incident for the due and good government and support of the affairs of the said corporation, and managing the funds and revenues thereof; *Provided*, That the said rules and by-laws and ordinances be not repugnant to the Constitution and laws of the United States, to the Constitution and laws of this Commonwealth or to this act.

Sec. 6. And be it further enacted by the authority aforesaid, That the said corporation shall not consist at any time of more than thirty persons, nine of whom shall at all times be laymen, and citizens of the State of Pennsylvania, whereof the General Assembly of the Presbyterian Church in the United States of America may at their annual meeting change one-third in such manner as to the said General Assembly shall seem proper; and the corporation aforesaid shall have power and authority to manage and dispose of all moneys, goods, chattels, lands, tenements and hereditaments, and all other estates whatsoever, committed to their care and trust, by the said General Assembly; but in cases where special instructions for the management and disposal thereof shall be given by the said General Assembly in writing under the hand of their clerk, it shall be the duty of the said corporation to act according to such instructions; *Provided*, That the instructions shall not be repugnant to the Constitution and laws of the United States, or to the Constitution and laws of this State, or to this act.

Sec. 7. And be it further enacted by the authority aforesaid, That seven members of this corporation, whereof the president, or in his absence, the

vice-president, to be one, shall be a sufficient number to transact the business thereof, and to make by-laws, rules and regulations; *Provided*, That previous to any meeting of the Board or corporation for such purposes, not appointed by adjournment, ten days' notice shall be previously given thereof by the secretary or clerk of the said corporation to each of the members of the same: and the said corporation shall, as often as they shall see proper, and according to the rules by them to be prescribed, choose out of their number a president, a vice-president and secretary; and shall have authority to appoint a treasurer and such other officers and servants, as shall by them, the said corporation, be deemed necessary; to which officers the said corporation may assign such a compensation for their services, and such duties to be performed by them, to continue in office for such a time, and to be succeeded by others, in such a way and manner, as the said corporation may direct.

SEC. 8. And be it further enacted by the authority aforesaid, That all questions before the said corporation shall be decided by a plurality of votes, whereof each member present shall have one, except the president, or vice-president when acting as president, who shall have only the casting voice or vote in case of an equality in the votes of the other members.

SEC. 9. And be it further enacted by the authority aforesaid, That the said corporation shall keep fair and regular entries of their proceedings, and a just account of their receipts and disbursements, in a book provided for that purpose; and shall, once in a year, exhibit to the General Assembly of the Presbyterian Church in the United States of America an exact state of the accounts and funds of the said corporation.

SEC. 10. And be it further enacted by the authority aforesaid, That the said corporation may take, receive, purchase, possess and enjoy messuages, houses, lands, tenements, rents, annuities and other hereditaments, real and personal estate of any amount; *Provided*, That the clear yearly value and income shall not exceed the sum of fifteen thousand dollars.

SEC. 11. That the Legislature expressly reserves the right at any time hereafter to construe, alter, amend or repeal all or any of the provisions of this act.

Signed, JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.
WILLIAM BIGLER,
Speaker of the Senate.

Approved the twenty-ninth day of March, one thousand eight hundred and forty-four. DAVID R. PORTER.

A Supplement to "An act incorporating the Trustees of the Western Theological Seminary of the Presbyterian Church in the United States of America, at the City of Allegheny, in the State of Pennsylvania."

WHEREAS, By the eleventh section of the act to which this is a supplement, the Legislature of this State has reserved the right at any time thereafter to construe, alter, amend or repeal all or any of the provisions of the act to which this is a supplement; and

WHEREAS, The exercise of that right may leave the property which may be vested in the said corporation without proper trustees to manage and dispose of the same; therefore,

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That in case the Legislature of this State shall at any time hereafter construe, alter, amend or repeal all or any of the provisions of said act to which this is a supplement, the trustees of said seminary for the time being shall be and they are hereby authorized and empowered at any time within one year after any such construction, alteration or amendment, or repeal, to convey all the property belonging to them as trustees as aforesaid to any number of citizens of this State, not less than three nor more than five, whom they may select, their heirs and assigns, who shall hold the said property thus conveyed to them, their heirs and assigns, for the sole use of the said seminary, anything in the said act to the contrary notwithstanding.

CERTIFICATE.

I do hereby certify that the above is a copy of a bill which passed both branches of the Legislature and was signed by the Governor.

E. S. GOODWELL,
Clerk of the Senate.

HARRISBURG, April 12, 1845.

3. Acceptance by directors of the plan of 1870.

At a meeting of the Board of Directors of the Western Theological Seminary, October 14, 1870, it was

Resolved, That we accept the powers and authority offered by the action of the General Assembly to the theological seminaries now under the control of the General Assembly, as contained in the second resolution of the report of the Committee on Theological Seminaries, recorded on p. 63 of the *Minutes* of 1870.—1871, p. 579.

4. Assembly to approve the election of trustees.

Your Committee recommend, that the General Assembly give its consent to a proposed modification of its plan for theological seminaries, so as to meet the unanimous request of the Boards of Trustees and Directors, according to the following paper:

Whereas, By the plan of the theological seminary trustees can be elected by the General Assembly only when it meets in Pennsylvania; and

Whereas, In the charter of the Board of Trustees, no such limitation is embraced; therefore,

Resolved, That the General Assembly be requested to so modify the "Plan," that the trustees may be chosen at any meeting of the Assembly; also to consent to a reduction of the number of trustees from thirty to twenty-one, to be divided into three classes, one class to be removed each year; and to such modification of the "Plan" as that the trustees shall nominate to the directors persons to fill vacancies, and, on the approval of the directors, to the General Assembly for its approval.—1877, p. 565.

5. Answer of the Boards, 1895.

The Board of Directors of the Western Theological Seminary, being satisfied that the seminary now stands in such close relation to the Presbyterian Church that both its teachings and its use of all its property can be controlled by the General Assembly, subject only to a reasonable lapse of time and such legal restrictions set forth in the charter as have not hitherto called out objections, sees no reasons to ask in behalf of this seminary any change in existing relations to the General Assembly. The Board is not averse to an effort having as its chief end the bringing of all our theological seminaries into closer relations of sympathy and confidence with the Church at large, but it is the opinion of this Board that this cannot be accomplished successfully except through some plan which is acceptable to all the seminaries now approved by the General Assembly, and it deprecates a division of these seminaries into different classes as regards their relations to the General Assembly.

The Board of Trustees of the Western Theological Seminary, at its annual meeting in Pittsburgh, May 10, took the following action:

The Trustees of the Western Theological Seminary, after a careful consideration of the suggestions of the Committee of the General Assembly on Theological Seminaries, would affirm their hearty agreement with the principles when this Committee was appointed, and the end sought, as both the Committee of the General Assembly and the trustees of this seminary are agreed that the charter of the seminary is one of the strongest that could be framed to secure the property to the

Presbyterian Church in the United States of America, and that substantially the only way in which the purposes of the Committee can be secured is in the way of general legislation, by the Legislature of Pennsylvania, authorizing various denominations and associations of men in case of threatened or actual malfeasance in trust, to appear in court through their proper officers or representatives in order to enforce the execution of trusts created for their benefit, in pledging ourselves to cordially unite in efforts to secure such general legislation.—1895, pp. 159, 160.

6. Action of the Assembly, 1895.

The Board of Directors of the Western Seminary at Allegheny, "being satisfied that the seminary now stands in such close relation to the Presbyterian Church that both its teaching and the use of all its property can be controlled by the General Assembly, sees no reason to ask any change in existing relations to the Assembly." The Board of Trustees has declared its hearty agreement with the principles set forth in the action of the Assembly of 1894, and its readiness to secure the necessary legislation to enable the General Assembly to carry out said principles. The Committee recommends the General Assembly to request these Boards to take such action.—1895, p. 32.

7. Answer of the Boards, 1896.

Whereas, The General Assembly's Committee expressed, through their representative, Thomas McDougall, the opinion that the property of the Western Theological Seminary can be held for the Presbyterian Church under the existing charter without change, and it has, as a matter of fact, always been so held and administered, and

Whereas, The Committee declared that it would be sufficient to secure general legislation by which the General Assembly, representing the Presbyterian Church, can be recognized in the courts, without appeal to the attorney-general of the State, and this Board cordially agreed to make due effort to secure such legislation at the earliest possible day (the Legislature meeting only bi-annually), and, in case of unfaithfulness of the Board, the Assembly has power to remove one-third of their number and appoint others in their places, guaranteeing a two-thirds majority in thirteen months, and any gift to the seminary can be made specific, as some have been, so that the donor can be satisfied as to the use to be made of his money, and,

Whereas, A question exists in the minds of able jurists and of intelligent and liberal friends and supporters of the seminary, as to whether the change of charter proposed might not subject us to vexatious litigation and possibly imperil important interests of the institution now entrusted to their care; therefore,

Resolved, That this Board respectfully begs leave to adhere to their former action in the premises, which, if carried out, the Assembly has declared to be sufficient and acceptable.

Resolved, That the Board appoint a Committee, consisting of Messrs. William Bakewell, J. McF. Carpenter and W. J. Holland, to secure legislation in accordance with the action of the trustees at their annual meeting in May, 1895.—1896, pp. 188 and 120.

IV. LANE THEOLOGICAL SEMINARY.

1. Charter and amendments.

[NOTE.—Ohio Local Laws, Vol. xxvii, p. 118.]

An act to incorporate the Lane Seminary, in the county of Hamilton:

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That there shall be, and hereby is established, in the county of Hamilton, a theological institution for the education of pious young men for the Gospel ministry, by the name of "The Lane Seminary;" and that Joshua L. Wilson, David Root, James Challen, William Skillenger, Robert Boal, junior, Jabez C. Tunis, John F. Keys, Isaac G. Burnet, Ephraim Robbins, James Warren, John H. Groesbeck, Robert Wallace, William W. Greene, John Thomson, Daniel Hayden, Benjamin Graves, Ludwell G. Gaines, Jacob Lindley, Caleb Kemper, James Thomson, Daniel Wertz, Samuel January and Abraham A. Halsey, be, and they are hereby appointed Trustees of said institution; and who, together with their associates and successors, are hereby created a body politic and corporate, with perpetual succession, by the name and style of "The Trustees of the Lane Seminary;" and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, in all courts and places, and in all matters whatsoever; with full power and authority to acquire, hold, possess, use, occupy and enjoy, by purchase, gift, grant or devise, and the same to sell, convey and dispose of, all such real estate as shall be necessary and convenient for said institution, the transaction of its business, and the endowment of the same; and may have and use a common seal, and the same alter, change, break and renew at pleasure; and may, also, make, ordain and establish, and put in execution, such by-laws, ordinances, rules and regulations as shall be necessary and proper for the good government of said institution, and the prudent and efficient management of its affairs; *Provided*, That no by-law, ordinance, rule or regulation of the same, shall in anywise be contrary to the constitution and laws of this State or of the United States; *And provided also*, That any future General Assembly may alter or amend this act.

SEC. 2. That the Board of Trustees aforesaid, and their successors, shall have power to perpetuate their own body, by filling all vacancies which may occur therein, either by death, resignation or otherwise; but said Board shall at no time consist of a less number than twenty-three, nor more than twenty-five: they shall have the direction, management and control of the estate, business, property, funds and prudential concerns of said institution, and the administration of its affairs: they shall appoint all professors, tutors, teachers, officers, agents and clerks of the same, who shall hold their respective offices and places therein during the pleasure of said Board, and perform such duties, and exercise such powers as the said trustees, from time to time, may order and direct: they shall, annually, on the last Wednesday in October, at such time and place as the trustees shall appoint, elect, by ballot, from their own body, a president, three vice-presidents, treasurer, recording secretary and corresponding secretary, who, together with six other members, to be elected at the same time and place, shall constitute the executive committee of said institution, who shall, under the direction of the trustees, conduct the affairs of the same; and the said Board of Trustees and the executive committee shall respectively do and perform all such matters and things as may be necessary and proper to promote the objects of the institution; *Provided*, That the funds, property and revenues of the same shall not be appropriated, employed or expended for any purpose other than that contemplated by this act

SEC. 3. That the officers and members of the Executive Committee shall reside in the city of Cincinnati, or its vicinity, a majority of whom, together with all the professors, tutors, teachers and instructors in said institution, shall be members of the Presbyterian Church, in good standing, under the care of the General Assembly of that Church in the United States.

SEC. 4. That at the annual meeting of the Board of Trustees, on the last Wednesday of October, there shall be reported and presented an account of the state and condition of said institution, in all its various concerns and affairs; and said Board may hold meetings at such other times as the Trustees may appoint, or the president thereof shall order and direct, to be notified and held in such manner as shall be provided by the by-laws of the institution.

SEC. 5. That a fundamental rule or principle of said institution shall be, that every student therein, when in good health, shall be required to spend not less than three, nor more than four hours, each day, in agricultural or mechanical labor, the avails of which shall be applied towards defraying the expenses of the institution, and the board and tuition of the students; and the said Board of Trustees shall have power to grant and confer on any candidate, in such form as they may prescribe, all or any of the degrees in Divinity usually granted and conferred in the Colleges and Universities in the United States.

SEC. 6. That the first officers of the institution shall be the Rev. Joshua L. Wilson, president; Rev. David Root, Rev. Jacob Lindley and Isaac G. Burnet, Esq., vice-presidents; John H Groesbeck, treasurer; Abraham A. Halsey, recording secretary, and James Warren, corresponding secretary, who, together with John F. Keys, Jabez C. Tunis, William W. Greene, Robert Boal, junior, William Skillenger and Caleb Kemper shall compose and constitute the first Executive Committee, to serve in their respective offices until the next annual meeting and until their successors shall be chosen.

SEC. 7. That this act shall be taken and received in all courts, and by all judges, magistrates and other public officers, as a public act; and all printed copies of the same, printed by or under the authority of the General Assembly, shall be admitted as good evidence thereof, without any other proof whatever.

EDWARD KING,
Speaker of the House of Representatives.
SAMUEL WHEELER,
Speaker of the Senate.

February 11, 1829.

[NOTE.—Ohio Local Laws, Vol. xxxvi, p. 22.]

An act to amend the act entitled "An act to incorporate the Lane Seminary, in the county of Hamilton."

SEC. 1. Be it enacted by the General Assembly of the State of Ohio, That the Board of Trustees of the Lane Seminary shall consist of any number not less than thirteen nor more than twenty-five; and, if from any cause, the number shall be reduced below thirteen, the remaining number shall be a competent Board for the purpose of filling vacancies to make up the number of thirteen; and from and after the next election of officers, the Executive Committee of said seminary shall consist only of the president, the three vice-presidents, the treasurer, the recording secretary and the corresponding secretary, who shall hold their offices until their successors are elected; and the annual meeting of the Board of Trustees, for the election of officers, shall be held on the second Wednesday of June, annually, instead of the last Wednesday of October.

C. ANTHONY,
Speaker of the House of Representatives.
GEORGE J. SMITH,
Speaker of the Senate.

January 16, 1838.

[NOTE.—Ohio Laws, Vol. lv, p. 16.]

An act to amend the act entitled an act to amend the act entitled "An act to incorporate the Lane Seminary, in the county of Hamilton."

SEC. 1. Be it enacted by the General Assembly of the State of Ohio, That the act entitled "An act to amend the act entitled an act to incorporate the Lane Seminary, in the county of Hamilton," passed January 16, 1838, be and the same is hereby amended and enacted to read as follows, to wit: The Board of Trustees of the Lane Seminary shall consist of any number, not less than thirteen, nor more than twenty-five; and if, from any cause, the number shall be reduced below thirteen, the remaining number shall be a competent Board for the purpose of filling vacancies to make up the number of thirteen; and the Executive Committee of said seminary shall consist only of the president, the three vice-presidents, the treasurer, the recording secretary and the corresponding secretary, who shall hold their offices until their successors are elected; and the annual meeting of the Board of Trustees, for the election of

officers, shall be held at such time and place as the Board of Trustees shall, from time to time, and at any time, appoint; and the above mentioned act, passed January 16, 1838, is hereby repealed.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

March 4, 1858.

2. The plan of the Assembly adopted by the trustees.

The Board of Trustees of the Lane Theological Seminary report that they have most cordially adopted this plan by the following action:

Every election of a professor in this institution shall be reported to the next General Assembly; and if said Assembly shall by vote express its disapprobation of the election, the professorship in question shall be *ipso facto* vacant from and after such vote of the General Assembly, it being understood that in such case it is not the pleasure of this Board that such professor shall continue in office.—1871, p. 580.

3. Report of the Standing Committee on Theological Seminaries, 1893. Approval withheld.

The trustees of Lane Theological Seminary find that the income of the seminary has been seriously reduced, and as a result they have been compelled to abolish the Chair of Practical Theology, thus requiring the resignation of Dr. Roberts, who was the incumbent thereof. The Assembly puts on record its high appreciation of the value of Dr. Roberts' services, and expresses its regret that, as your Committee has been informed, the Board did not advise Dr. Roberts of its purpose before taking such decisive action.

In the list of professors, the Assembly finds the name of the Rev. Henry P. Smith, D.D., who was in December last suspended by the Presbytery of Cincinnati for unsoundness in the faith. On the 31st of January, 1893, Prof. Smith tendered his resignation to the Board because of that suspension. The Board declined to receive such resignation, but continued him, by formal action, in the duties of his professorship in the seminary. When a minister is suspended, he is suspended from all the functions of his office. Among the most important of such functions is that of training young men for the ministry. However serious the embarrassment to the seminary, the Board should have immediately accepted the resignation of Prof. Smith, or at least relieved him from the discharge of his duties. Loyalty to the Church should have compelled them to take such action. But they were further bound so to do by faithfulness to the trust which they have assumed with regard to that seminary. Its charter requires that "all the professors shall be members of the Presbyterian Church in good standing." The Assembly, therefore, is constrained to withhold its approval and commendation of Lane Seminary until the Board has reconsidered its action in this respect, and remedied the error.—1893, p. 156.

4. Reorganization recommended. Committee of Visitation appointed. The seminary restored to full standing.

The last General Assembly expressed its disapproval of the seminary, because it retained in his Chair a professor who had been suspended from the ministry by his Presbytery for heresy, and the Board of Education was forbidden to aid students attending the institution. Afterwards

the professor resigned his place, and then the Board of Education resumed its helpful relations to the students of Lane. We trust happier days for this seminary are now near at hand, and we commend it and all its interests to the approval, the sympathy and the confidence of the Assembly and the Church.

In view of all the facts that have come before us and as the result of thoughtful and even anxious deliberation, we respectfully recommend the following, viz.:

1. The General Assembly would advise the Board of Trustees, as promptly and completely as possible, to reorganize the seminary by introducing new and different men into the Board of Trustees and the corps of instructors, and this, not because of any question touching the integrity of purpose and purity of motive in the honored brethren now in charge, but simply because the differences of opinion and policy now prevailing among them seem to be irreconcilable, and to forbid the hope of settlement until other men are put in charge.

2. That a Committee of five, three ministers and two elders, shall be appointed by this Assembly to visit the seminary and confer with the Board of Trustees, and to advise with them concerning all the interests of the institution, especially concerning its reorganization, as already indicated; this Committee to report to the next General Assembly.

3. We recommend that in the meantime the seminary be restored to full standing with the General Assembly, and that the Board of Education be directed to treat its students precisely as it treats the students of other seminaries.

4. Pending the visit of the Committtee suggested and the reorganization proposed, it is recommended that the election of Rev. Henry W. Hulbert to the Chair of Church History be disapproved, and this for this reason and no other, that his confirmation would further embarrass the reorganization which is now proposed. This disapproval is not to be understood as raising any question of his character or orthodoxy, nor as a bar to his employment as a teacher in the seminary.*—1894, pp. 110, 111.

5. Report of the Special Committee to visit Lane Seminary, 1895.

The Committee appointed by the General Assembly to confer with the Board of Trustees of Lane Seminary held a conference in Cincinnati, November 22, 1894. The Board of Trustees made their statement, each member setting forth his personal convictions regarding the condition and purposes of the Board. The meeting was continued through the day, was harmonious and satisfactory, and the interchange of views and opinions was most fraternal and cordial. Whatever "differences of opinion and polity" may have been and to some may have seemed "irreconcilable," they were not to be found when the Committee looked the brethren in the face and heard their words of conciliation and earnest expression of desire, harmoniously and unitedly, to promote the best interests of the seminary and our Presbyterian Zion.

After hearing at length the detailed and explanatory statement of the Board of Trustees concerning the financial condition of the seminary in the past and in the present, showing the receipts and disbursements, also the annual attendance of students from 1887 to 1895, and also the

* Prof. Hulbert was reëlected Professor of Church History and his name reported to the Assembly.—1896, p. 141.

teaching force of the past and the present, and concerning the prospect of the future, the Assembly's Committee retired for a conference.

In the evening the conference of the Board of Trustees and the Committee was resumed, when the Assembly's Committee submitted to the Board of Trustees the conclusion upon which they appeared to agree, and which in their present light they were disposed to submit to the General Assembly. The Board of Trustees by a unanimous vote expressed their satisfaction with these suggestions of the Committee, which were substantially as follows:

1. Having heard the full statement of the Board and the satisfactory explanation in regard to the financial condition of the seminary, with the hopeful outlook for the future, we advise the increase and completion of the faculty in accordance with the recommendation of the General Assembly, as speedily as the income of the institution will allow.

2. We will report to the General Assembly that the full, clear financial statement submitted to the Committee seemed to us in a large measure to explain the present administration of the Board, and likewise promise an increase of the teaching force in the near future.

3. Having been informed that five vacancies exist in the Board of Trustees, we would take pleasure in reporting to the Assembly that it is the intention of the Board to fill these places, as soon as possible, with men known to be in sympathy with the Presbyterian Church and the seminary in its relation to the General Assembly.

4. We will report to the Assembly that we found the Board of Trustees, clergymen and laymen, to be an intelligent body of earnest Christian men; united in the desire and purpose to do everything in their power to bring the seminary into closer relations to the Church, and to ensure the hearty sympathy and support of the community and region in which the seminary is located.

The Board took the following action:

Resolved, That the thanks of this Board of Trustees are hereby extended to the Assembly's Committee of Conference on Lane Seminary, for the patient and open-minded manner in which they have sought information, and also for the outline of opinion and conclusion submitted, in which the purpose and spirit of this Board are correctly interpreted.

Therefore your Committee recommend the Assembly to encourage the Board to continue making such efforts and devising such means, as will speedily and thoroughly reorganize and increase the teaching force, and thus secure for Lane Seminary the constant fostering care and approval of the Assembly, as well as the confidence, sympathy, and support of our beloved Presbyterian Zion.

The report was accepted; its recommendations adopted, and the Committee continued.—1895, pp. 19–21.

[Note.—For the answer of Lane Seminary to the proposals of the General Assembly of 1894, see *Minutes*, 1895, p. 160; and for the Assembly's reply, see *Minutes*, 1895, p. 33, and 1896, p. 122.]

6. Final report of the Special Committee to visit Lane, 1896.

"The report of the Special Advisory Committee to visit Lane Seminary was unanimously adopted at the meeting of the General Assembly in Pittsburgh, May, 1895, together with the recommendation that 'the Assembly encourage the Board to continue making such efforts and devising such means as will speedily and thoroughly reorganize and increase

the teaching force, and thus secure for Lane Seminary the constant fostering care and approval of the Assembly as well as the confidence, sympathy and support of our beloved Presbyterian Zion.'

"The Committee was ordered to be continued. As Chairman I now report to the Assembly that there has been no regular meeting of the Committee during the year, for the reason that everything has gone on so satisfactorily, pleasantly and prosperously in the work of the seminary, that there seemed nothing for the Committee to do. In the meantime I was invited to deliver the annual address before the Society of Inquiry, the alumni, and friends of the seminary, which I did on Commencement Day, May 7, 1896. Having thus the opportunity of meeting the professors and students, the president of the Board of Trustees, and many of the members, as well as the examiners from various Presbyteries, and other friends of the seminary, I received a most favorable impression of the work done, and of the prospects for the future."

The report of the Advisory Committee thence continues with information already given in this report, and is signed by its chairman, David A. Cunningham, and dated May 16, 1896. We recommend to the Assembly the approval of the report of this Special Committee. The report was approved.—1896, p. 142.

7. Answer of the trustees to the Assembly, 1895.

At the meeting of the Board of Trustees, May 1, 1895, it was

Resolved, That while this Board desires in all proper ways to show its loyalty to the Presbyterian Church, and has an earnest wish to maintain the most cordial and harmonious relations with the General Assembly, in view of the legal and other complications which might result from the proposed amendments, and the doubtful validity of such if enacted, we feel constrained to decline to take any steps to effect such changes as are contemplated in the resolutions of the last General Assembly regarding theological seminaries.—1895, p. 160.

8. Answer of the trustees, 1896.

The following is a true copy of the action of the Board of Trustees of Lane Theological Seminary taken Wednesday, May 6, 1896:

That this Board learns with regret of the illness of Dr. Young, and that this fact has probably prevented the Committee of the General Assembly meeting with the Board at this time as per appointment made by the president.

That while this Board desires to maintain the most cordial and intimate relations with the General Assembly of the Presbyterian Church in the United States of America, and will do all that can be done to that end, it as yet does not see the way clear to changing the action taken in May, 1895, concerning proposed amendments to the charter.—1896, p. 194.

9. Answer of the trustees, 1897.

The trustees of Lane Seminary, having carefully considered the action and request of the General Assembly of 1896 in regard to the plan of seminary control, approved by the Assembly of 1895, make, after due deliberation, the following statement in reply:

The trustees are thoroughly confirmed in the judgment, frankly stated to the Assemblies of 1895 and 1896, that the changes proposed in the charter of this seminary are impracticable. This charter clearly defines

the object of the institution, provides for the organization of its Board of Trust as a civil corporation and definitely prescribes the manner in which this trust shall be administered.

It is plainly the imperative duty of this Board to execute with fidelity these explicit provisions. It seems to the trustees increasingly clear that they have neither the legal nor the moral right to become a party to any attempt to modify or alter any of the expressed terms or conditions of the trust which they are appointed to administer, even were such legislation permissible under the present Constitution of Ohio.

Moreover, all the funds that have been donated to the seminary since the enactment of this charter have been received under its specific provisions. Most of these donations have been made with the assurance and in the belief that these conditions are to be perpetual. The changing of these provisions and conditions in the manner proposed would be, as it seems to the trustees, a violation of good faith on their part, as well as a breach of trust, and would seriously imperil these endowments and expose the institution to ruinous litigation.

For these conclusive reasons, it is their settled belief that this Board ought not to initiate any proceedings which would modify or alter the existing charter in any of its essential provisions.

But it seems proper to add, that, if the proposed changes were practicable, they are not, in the judgment of the trustees, necessary to the full protection of Lane Seminary as an institution of the Presbyterian Church, or for the safeguarding of its teaching and funds. This appears from the following facts, namely:

1. The charter itself expressly provides that "all the professors, tutors, teachers and instructors in the seminary shall be members of the Presbyterian Church, in good standing, under the care of the General Assembly of that Church in the United States." This provision the founders deemed sufficient to safeguard the teachings of the seminary, and it has been attested to be such by the entire history of the institution.

2. In connection with the union of the two branches of the Presbyterian Church in 1869, the Board of Trustees of Lane Seminary took in August, 1870, the following action, which was "accepted as satisfactory" by the Assembly of 1871 (*Minutes*, p. 580), namely:

"Every election of a professor in this institution shall be reported to the next General Assembly, and if the said Assembly shall by vote express its disapprobation of the election, the professorship in question shall be *ipso facto* vacant from and after such vote; it being understood in such case, that it is not the pleasure of this Board, that such professor shall continue in office."

From this explicit "compact" there has not been a single deviation by this Board, and the trustees, for the third time, reaffirm their purpose and obligation to observe its provisions.

3. The deed for the land on part of which the seminary buildings stand and the rest of which still constitutes one of its chief sources of support, contains the express provision that in case the seminary shall ever fail of its appointed purpose as defined by its charter, this gift shall be forfeited in law, and shall revert to certain organizations which are specifically named. Moreover, many of the subsequent donations and bequests to the seminary contain similar conditions and might be legally forfeited should the Board divert such funds from their original purpose.

It is thus seen that the obligation to guard the endowments as well as

the teachings of the seminary is as fundamental and imperative as it can possibly be made. It may safely be assumed that no Board, present or future, would ever seek to pervert a pecuniary trust so carefully protected, and should such attempt ever be made, the courts of Ohio are open for its correction.

The trustees are constrained by the foregoing considerations to declare as their final judgment that the proposed changes in the charter of the seminary are impracticable and unnecessary.

At the same time, they most cordially affirm their loyalty to the doctrines and polity of the Presbyterian Church, and solemnly avow their purpose to administer with fidelity the sacred trust committed to their care.—1897, pp. 105–107.

10. Action of the Assembly, 1897.

[NOTE.—See this *Digest*, No. 13, p. 421.]

V. UNION THEOLOGICAL SEMINARY.

[NOTE.—See report on Theological Seminaries, *Minutes*, 1870, pp. 383–386, also pp. 63, 148, 149; Moore's *Digest*, 1886, pp. 383–390; and this *Digest*, p. 410.]

1. The agreement of 1870.

[NOTE.—See for this compact or agreement, p. 414.]

2. The veto of Prof. Charles A. Briggs, D.D.

It appears, then, according to the terms of the contract quoted above, the directors of the Union Theological Seminary have conceded to the Assembly the right to veto the appointment of professors; and that an election is complete unless vetoed by the next Assembly following the election.

Your Committee would have been disposed to recommend that the report of the directors of the Union Theological Seminary, so far as it has reference to the transfer of Dr. Briggs to the Chair of Biblical Theology, be referred to the next Assembly, if such a disposition of the matter had been possible. But the Assembly has clearly no power to postpone action. The control of the Church over the election of Dr. Briggs ceases with the dissolution of the present Assembly. Your Committee are constrained, therefore, to say that, in their judgment, it is the duty of the Assembly to disapprove of the appointment of Dr. Briggs to the Edward Robinson Chair of Biblical Theology in the Union Theological Seminary.

Your Committee desire to say, moreover, that while they are clear in their judgment that the Assembly has the right to veto the appointment of Dr. Briggs to the Chair of Biblical Theology, it is possible to impose a meaning upon the apparently unambiguous phraseology of the compact between the General Assembly and the directors of the Union Theological Seminary that would lead to a different conclusion. Fairness also requires us to remember that the Assembly is one of the parties to the contract that it is called upon to construe. While your Committee are of the opinion that the compact in question did not contemplate the distinction between the election of a person to be a professor, and the appointment of one already a professor, to the work of a certain department of instruction, it cannot be denied that such a distinction exists, the one act conferring *status*, the other only assigning duties.

The seemingly irregular course of the directors of the Union Theologi-

cal Seminary, whereby Dr. Briggs was inducted into office, before the Assembly had been advised of his appointment, is doubtless to be attributed to their mode of construing their compact with the General Assembly. While your Committee are sure that the Assembly will not and should not admit that its right of disapproval is restricted to the original election of a person to a place in the faculty of the Union Theological Seminary, and while they are of the opinion that, acting according to the light it now has, the Assembly cannot but disapprove of the appointment of Dr. Briggs to the professorship of Biblical Theology in that seminary, they are nevertheless of the opinion that in the interest of the mutual relations of confidence and cordial respect subsisting between the Union Theological Seminary and the General Assembly, it would be eminently proper for the Assembly to appoint a Committee to confer with the directors of the Union Theological Seminary in regard to the relations of the said seminary to the General Assembly, and to report to the next General Assembly.

Your Committee recommend the adoption of the following resolutions:

1. *Resolved*, That in the exercise of its right to veto the appointment of professors in the Union Theological Seminary, the General Assembly hereby disapproves of the appointment of the Rev. Charles A. Briggs, D.D., to the Edward Robinson Professorship of Biblical Theology in that seminary, by transfer from another chair in the same seminary.

2. *Resolved*, That a Committee, consisting of eight ministers and seven ruling elders, be appointed by this Assembly to confer with the directors of the Union Theological Seminary in regard to the relations of the said seminary to the General Assembly, and to report to the next General Assembly.—1891, p. 97.

3. Report, Committee of Conference, 1892.

[NOTE.—See for this report in full, and accompanying papers from the directors of Union Seminary, *Minutes*, 1892, pp. 53–67. Parts of the report are given below.]

4. Agreement recognized as binding.

Resolved, That this Board without surrendering its interpretation of said agreement, fully recognizes its binding force, until it shall be proved to be illegal, or shall be properly abrogated.—1892, p. 58.

5. Paper adopted by the joint conference, 1892.

It is believed that the joint conferences prepared the way in a large degree for a better understanding between the Assembly and the seminary, and in the hope that an adjustment of the question at issue might be reached in the near future, the following paper was adopted by both bodies on January 22, 1892, and signed jointly by the chairman of your Committee and by President Hastings of the Union Theological Seminary:

The paper is as follows:

Recognizing the fact that the General Assembly and the Union Theological Seminary are parties to the agreement or compact of 1870, as contained in the memorial of the directors to the Assembly of 1870, and also the fact that there is a wide difference of opinion in the matter of the interpretation of said agreement or compact, something like the following might be done:

1. Each party may fully respect the opinion of the other and conclude for the present that the difference is irreconcilable.

2. The seminary might report to the next General Assembly substan-

tially that their understanding of the compact differed from that of the General Assembly as applied to transfers, and that, although the General Assembly had disapproved the appointment of Dr. Briggs, the directors had not seen their way clear, in view of their obligations, to do other than continue him in the active duties of his office.

3. The Committee, on the other hand, might report the facts to the General Assembly, and, in view of the relations of the parties and in due recognition of their honest difference, recommend that the *status quo* be recognized, in the hope that some action may be taken which may lead to a harmonious adjustment of all the matters at issue.

In accordance with the foregoing paper adopted by the Committee of Conference and the directors of the Union Theological Seminary, and in view of the facts embodied in it, your Committee recommend that the *status quo* be recognized by the Assembly, in the hope that some action may be taken which may lead to a harmonious adjustment of all the matters at issue.—1892, pp. 59, 60.

6. Report of Union Seminary on the status of Prof. Briggs, 1892.

The Board, therefore, respectfully reports to the Assembly that we can but regard ourselves as solemnly bound by our interpretation of the agreement, and must discharge our duties as directors accordingly. For having heard, and carefully considered, all that was said by the Committee of the General Assembly, we have seen no reason to change or modify our understanding of the agreement. There is an honest difference of opinion in this matter. In 1870 this Board conceded one thing, and only one, to the General Assembly, viz., the right to disapprove the election or appointment of a professor. If Dr. Briggs had been elected or appointed to the Chair of Biblical Theology, the disapproval of the Assembly would have been decisive with us. But a professor can be elected in this institution only in accordance with our laws; and according to those laws Dr. Briggs was not elected. His inauguration was a ceremonial technically unnecessary, but designed only to honor publicly the generosity of the founder of the Chair of Biblical Theology, in which department Dr. Briggs had been teaching for ten years.

Thanking the General Assembly for sending to us so able and so courteous a Committee, we join with them in their recommendation, "that the *status quo* be recognized, in the hope that some action may be taken, which may lead to a harmonious adjustment of all the matters at issue." —1892, pp. 63, 64.

7. Request of Union Seminary for annulment of the agreement of 1870.

While there exists the undoubted right of either party to the agreement of 1870 to act alone in its abrogation, yet this memorial is submitted with the earnest hope that your reverend body may cordially concur with us in annulling the arrangement of 1870, thus restoring Union Seminary to its former relations to the General Assembly.—1892, p. 67.

8. The Assembly declines to break the agreement of 1870.

Having due regard to the overtures and all the other papers in the case of Union Theological Seminary, etc., referred to the Committee, the Assembly takes the following action:

1. That the Assembly indorses the interpretation of the compact of 1870 as expressed by the action of the Assembly of 1891.

2. That the Assembly declines to be a party to the breaking of the compact with Union Theological Seminary.

3. That the Assembly is persuaded that the Church should have direct connection with and control over its theological seminaries.—1892, p. 176.

9. The Assembly proffers arbitration.

An additional paper on the arbitration of the theological seminary compact of 1870, in the matter of the transfer of a professor from one chair to another in the same seminary, was presented, adopted, and is as follows:

Resolved, 1. That this General Assembly recognizes the *status quo* as to the difference of interpretation given by the directors of Union Seminary to the Theological Seminary Compact of 1870, from that given by the Assembly's Committee of Conference, and in accordance with the proposition suggested by the six members of the Committee of Conference in their supplementary report, this General Assembly agrees to refer the difference of interpretation of the said compact of 1870, as to transfers, to a Committee of Arbitration.

Resolved, 2. That a Committee of five members representing this Assembly shall be appointed by the Moderator, which shall select five persons as arbitrators, to meet a like number selected by the directors of Union Seminary; and these ten shall select five others; and by the fifteen thus chosen shall the interpretation of this compact, viz., as to the transfer of a professor, be decided.—1892, pp. 176, 177.

10. Report on arbitration, 1893.

On the 16th of July, 1892, the Stated Clerk of the General Assembly notified the Board of Directors of Union Seminary of the appointment of arbitrators who were to confer with said Board; and on the 4th of August, 1892, the chairman of this Committee communicated the action of the General Assembly in regard to the appointment of arbitrators, and the duties assigned them, to Mr. E. M. Kingsley, the secretary or recorder of the Board of Directors of Union Seminary, and received from him a reply, dated August 6, 1892, in which he stated, in substance, that it would be impracticable for the Board of Directors to meet and take any action on the subject before the middle of October.

On the 8th of November, 1892, your Committee received a communication from the Board of Directors of Union Seminary in which they say:

"Since the meeting of the General Assembly at Portland, by an almost unanimous vote—a vote of nineteen to one—this Board has rescinded the resolution of 1870, adopting the memorial to the General Assembly, in which a veto on the election of professors was offered to that body, thus terminating the special relation then constituted between the General Assembly and Union Seminary. By this action, the question whether a transfer is an election, and subject, therefore, to the Assembly's veto, is no longer to us an open question. Therefore, no further action in this matter is called for."

As your Committee was appointed to arbitrate a single question at issue between the General Assembly and the Board of Directors of Union Seminary, and as the foregoing action of the Board of Directors, taken,

as we understand, on the 13th of October, 1892, without waiting for a conference with the Assembly's Committee, shows that the Board has declined to have the question at issue arbitrated.—1893, p. 159.

11. The resolution of the directors, May 16, 1870, rescinded; and the arrangement between the Union Theological Seminary and the General Assembly alleged to be terminated.

The following communication was received:

"NEW YORK, October 15, 1892.

"At a special meeting of the Board of Directors of this institution, held on the 13th inst., 'to consider the relations of the seminary to the General Assembly,' the paper herewith enclosed, after the most careful and deliberate consideration, was adopted with singular unanimity.

E. M. KINGSLEY, *Recorder.*"

The Board of Directors of the Union Theological Seminary in the city of New York addressed a memorial to the General Assembly of the Presbyterian Church in the United States of America, which met at Portland, May 19, 1892. In that paper we stated, with the utmost courtesy, some of the practical reasons which render it necessary, in our judgment, that the veto power conceded to the General Assembly in 1870 should no longer reside in that body. The memorial concluded with this language: "There are other and weighty considerations which we have preferred not to urge. While there exists the undoubted right of either party to the agreement of 1870 to act alone in its abrogation, yet this memorial is submitted with the earnest hope that your reverend body may cordially concur with us in annulling the arrangement of 1870, thus restoring Union Seminary to its former relations to the General Assembly." The hope thus expressed was disappointed. With no official notice whatever of the reasons assigned by us, the answer to our memorial was: "That the Assembly declines to be a party to the breaking of the compact with Union Theological Seminary." In view of this action of the late General Assembly, we are constrained now to urge those considerations which we had preferred to reserve. They are constitutional and legal.

1. *The Constitutional Considerations.*—There is no provision whatever in our charter or Constitution for "the principle of Synodical or Assembly supervision." The Committees on Reunion and both Assemblies in 1869 recognized this important fact, and advised the introduction of that principle into our Constitution. Upon this advice no action was taken. The Constitution was not changed. Therefore the seminary could not rightfully give, and the Assembly could not rightfully receive or exercise, the veto power under our existing charter and Constitution.

2. *The Legal Considerations.*—Since the action of the General Assembly at Portland, our Board has obtained the best legal advice as to the points at issue between the seminary and the Assembly. This advice leaves us no room to doubt that, under the laws of the State of New York, the attempted agreement of 1870 was beyond the powers of the Board of Directors of the seminary. We "cannot abdicate any of our official duties in whole or in part."

Therefore, as the sole directors of Union Seminary, we are compelled by the practical considerations presented in our memorial, and by constitutional and legal considerations, to maintain our rights and to fulfill our

chartered obligations, which can be neither surrendered nor shared. In this action we regret deeply that we have been refused that concurrence of the Assembly which we respectfully asked, and which would have done much towards softening the past and relieving the present. Obliged to act alone for the protection of the institution committed to our care, and actuated by sincere regard for the highest interests both of Union Seminary and of the Church we love, we do now

1. *Resolve*, That the resolution passed May 16, 1870, adopting the memorial to the General Assembly of the Presbyterian Church in the United States of America, which provided that all appointments of professors "shall be reported to the General Assembly, and no such appointment of professor shall be considered as a complete election if disapproved by a majority vote of the Assembly," be, and the same is, hereby rescinded.

2. *Resolve*, That the said arrangement between the Union Theological Seminary in the city of New York and the General Assembly of the Presbyterian Church in the United States of America be, and the same is, hereby terminated; thus reinstating the relations between the seminary and the General Assembly as they existed prior to May, 1870.

3. *Resolve*, That official notice of the action be duly given to the General Assembly, and also to the public, with the assurance of the undiminished loyalty of Union Seminary to the doctrine and government of the Presbyterian Church in the United States of America, to which the directors and faculty are personally bound by their official vow, and of our earnest desire for the restoration of our former relations to the General Assembly.—1893, pp. 157, 158.

12. Action of the Assembly, 1893. All responsibility for teaching disavowed. Reports declined.

The report of the Standing Committee on Theological Seminaries, to which the above communication was referred, was adopted:

To the special communication from the directors of Union Seminary, your Committee have given careful and prolonged consideration. While they would recommend the Assembly to recognize the fact that the directors of Union Seminary have declared, upon their own motion and authority, that the compact of 1870 is void and of no binding effect, and while insisting that such action is wholly without warrant, yet they advise the Assembly, for the present, simply to place on record, by way of protest, its view of the situation.

For twenty-one years the most cordial relations existed between Union Theological Seminary and the General Assembly. In the discharge of what seemed its plain but most painful duty, the General Assembly at Detroit declared its disapproval of the appointment of Prof. Briggs to the Chair of Biblical Theology. The Board of Directors, instead of removing Dr. Briggs, or at least requiring him to desist from teaching in the seminary until the question at issue between the Assembly and the seminary as to the full and proper meaning of the compact had been decided, resolved to continue Dr. Briggs in the chair which the Assembly had declared he ought not to occupy. This action was the more questionable, because the Assembly appointed a Committee of fifteen "to confer with the directors of the Union Theological Seminary in regard to the relation of the said seminary to the General Assembly."

This conference resulted in practical failure to remove the misunder-

standing, and it was so reported to the Assembly of 1892, meeting in Portland. That Assembly appointed five arbitrators to meet a like number selected by the directors of Union Seminary, with power to select five others, to determine the interpretation of the compact, viz., as to the transfer of a professor. The Stated Clerk of the Assembly notified the directors of the seminary on July 16, 1892, that the Assembly had appointed such a Committee of Arbitration. On the 4th of August, Dr. T. Ralston Smith, chairman of the Committee, addressed a similar communication to the directors. To this letter the recorder of the Board responded that the Board could not take any action before the middle of October. On the 15th of October, the Board of Directors met and resolved to terminate the compact. This action was taken nearly three months after the Board had been officially informed of the appointment of a Committee of Arbitration, and before any opportunity was given to the Committee of the General Assembly to present their case. This extraordinary action of the Board of Directors is inexplicable to the Assembly. The high character of the gentlemen composing the Board fully warranted the expectation that so fair a proposition as that of arbitration would not be treated in such a way. While there remained to the Assembly the hope that by conference or arbitration the difficulty that had arisen would be removed, the Assembly did not think it best to discuss the points raised by the directors of Union Seminary in attempted justification of their action. But now the Assembly takes issue with the statement made in the memorial presented to the Portland Assembly that "there exists the undoubted right of either party to the agreement of 1870 to act alone in its abrogation." No such right is expressed in the agreement, and, in the nature of things, no agreement where valuable interests are involved, not to say valuable considerations are given and received, can in good morals be abrogated by one party to the agreement without the consent and against the expressed desire of the other party. The claim that the words of Dr. Musgrave, spoken in the Old School Assembly of 1869, and quoted by the directors in their memorial to the Portland Assembly, give warrant to either party to abrogate the agreement, is not in accordance with a proper understanding of those words. The "declaration" referred to by Dr. Musgrave was not a compact or covenant as one of the terms of reunion. The relation of the seminaries to the Assembly was a difficult problem. The arrangement in the "declaration" he was discussing proved to be unacceptable to Union Seminary, and was not adopted. The following year Union Seminary came to the Assembly with a memorial setting forth an arrangement which was accepted by the Assembly and agreed to by all the seminaries. This is the compact or arrangement, not discussed by Dr. Musgrave in 1869, which Union Seminary has declared on its own motion that it has abrogated. Whatever force the constitutional and legal objections may have to the making and continuance of such a compact by the directors, there was an easy and simple way to remove them if the directors so desired. The Legislature of the State of New York would doubtless have amended the charter if the directors had requested it.

Because, then, of the strange and unwarranted action of the directors in retaining Dr. Briggs after his appointment had been disapproved by the Assembly; and because of the refusal by the directors to arbitrate the single point in dispute between the Assembly and the Board; and

because of the attempt by the Board and on its own motion and against the expressed desire of the Assembly to abrogate the compact of 1870, the Assembly disavows all responsibility for the teaching of Union Seminary, and declines to receive any report from its Board until satisfactory relations are established. The Assembly, however, cherishes the hope, and will cordially welcome any effort to bring Union Seminary into such a relationship with itself, as will enable the Assembly to commend the institution again to students for the ministry.—1893, p. 161.

13. The Board of Education enjoined to aid such students only as are in attendance upon seminaries approved by the Assembly.

Your Committee would further recommend that the Board of Education be enjoined to give aid to such students only as may be in attendance upon seminaries approved by the Assembly. Adopted.—1893, p. 161.

14. Action of the directors on the Assembly's plan of 1894.

Whereas, The General Assembly's Committee of Conference with the Theological Seminaries, through its chairman, the Rev. William C. Young, D.D., has, under date of September 1, 1894, requested the Board of Directors of Union Theological Seminary to adopt the recommendations of the General Assembly with reference to the amendment of our charter, and in case of our unwillingness to do so, has asked us to arrange for a conference, therefore,

Resolved, That the Board of Directors of Union Theological Seminary respectfully declines to accede to the recommendation of the General Assembly to seek the amendment of our charter, and hence considers a conference unnecessary.—1895, p. 160.

15. Action of the Assembly, 1896.

The Committee of Conference with the Theological Seminaries also reported on certain inquiries concerning Union Seminary, which it was directed to make. The report was adopted, and is as follows:

In reply to the request made by the General Assembly of this Committee, to inquire into and report to the next General Assembly as to the rights of the Presbyterian Church in the United States of America, in the property now held by the Union Theological Seminary in the city of New York, and to recommend what measures shall be taken to enforce said rights, we respectfully submit that the property and funds held by the Union Seminary, contributed during the existence of the compact between the seminary and the General Assembly, viz., between 1870–92, were contributed to it as a seminary which had entered into such relations with the General Assembly as gave the Assembly control over the election of its professors and secured to it the Assembly's expressed approval, and thus enabled it to secure a large sum from the Memorial Fund of 1870, under the definite understanding that it had positive connection with the Presbyterian Church as a seminary; and that it had, during this period, definitely recognized this relation in its appeals for an increased endowment; and we furthermore report that in view of the repudiation by the seminary of the compact of 1870, and the disregard of the Assembly's authority and discipline in the case of one of its professors, who, notwithstanding his suspension by the General Assembly, is retained in his position in the seminary, we are compelled to believe and to report that the present administration of the funds is not in accord with the intention of the donors during the period above

named. Nevertheless, while we are compelled to make this declaration, we deem it inexpedient to recommend the General Assembly at the present time to enter into any contest in the matter of the endowments and property of the seminary, choosing rather to leave the whole matter to the honor and stewardship of those now in charge of the seminary. —1896, p. 123.

VI. DANVILLE THEOLOGICAL SEMINARY.

[NOTE.—Located at Danville, Ky.
For preliminary proceedings see Baird's *Digest*, 1858, pp. 447–453; see also for action of the Assembly, Moore's *Digest*, 1886, p. 390–393.]

1. Plan as amended by the Assembly of 1873.

I. Location—Name.

1. The General Assembly of 1853, upon the careful consideration of the whole subject, located this theological seminary at Danville in the State of Kentucky.

§ The minutes of that Assembly show upon what numerous and urgent appeals the question of founding this seminary was taken up. They also show that it was by a unanimous vote of the Assembly that it was resolved to found the seminary; and by another unanimous vote resolved to determine its location by the vote of the Assembly then met.

2. The commissioners in that Assembly from the Presbyteries within the bounds of the Synod of Kentucky, proposed in writing that if the Assembly would erect and sustain a theological seminary under its own care, of the first class, to be located in the West, the Synod and people of Kentucky would contribute the sum of $20,000 towards the endowment of one chair in said seminary, irrespective of its particular location. But if the seminary should be located at Danville, in the State of Kentucky, then the Synod and people of that State would give the sum of $60,000 towards the endowment of three chairs in said seminary; and would also furnish not less than ten acres of land as a site for the perpetual location of it; and would secure to the Assembly, by proper covenants, the use of such charters and franchises then held, or that might afterwards be obtained from the civil authorities of the State of Kentucky, as would enable the General Assembly to erect, endow, manage, and carry on perpetually, under its own care and control, a theological seminary of the first class.

§ Full proof is in possession of this Assembly of 1854, and is published by its authority, that all these undertakings have been complied with by the Synod and people of Kentucky, and some of the more important of them exceeded. The location of the seminary at Danville in Kentucky by the Assembly of 1853, and the pledge of that Assembly to strive with Divine aid to erect, endow, and sustain the said seminary, under its own care and as one of the first class, are both hereby, and in consideration of the premises, ratified and made permanent and absolute.

§ The agreement by way of covenant between the General Assembly by its Committee appointed in 1853 on the one side, and the Board of Trustees of the Centre College of Kentucky on the other side, which has been laid before the Assembly of 1854, is hereby ratified in its terms. And the further agreement between the said Committee of the Assembly on the one side and the Synod of Kentucky on the other side, by

way of covenant, is hereby ratified in its terms. And the additional charter obtained by the said Committee from the Legislature of Kentucky, and the amendment thereto, are accepted and ratified in the terms thereof by this Assembly. And both of said agreements, and also the said additional charter with its amendment, are made parts of the permanent plan on which the theological seminary to which they all relate, is to be erected, endowed, sustained, and controlled by the General Assembly of the Presbyterian Church in the United States of America.

3. The name and style of the said theological seminary shall be and continue as enacted by the General Assembly of 1853, in the acts erecting and organizing it, and as confirmed in the charter and its amendment granted by the Legislature of Kentucky on the application of the Committee of the Assembly, "The Danville Theological Seminary under the care of the General Assembly of the Presbyterian Church in the United States of America."

II. Design of the institution—Mode of conducting it.

1. The design of this seminary is to provide the means for the proper professional training of candidates for the ministry of the Gospel.

§ Candidates for the ministry who are members of the Presbyterian Church in the United States, are those who are chiefly designed to be benefited, and who are in the first instance to be considered and provided for.

§ Other suitable persons, of which the proper officers of the institution must judge, may enjoy the privileges of the seminary, though they be candidates for the ministry in other denominations or already ministers of the Gospel, upon their complying with all the rules and orders obligatory upon the other students.

§ No charge shall be made for any instruction given to the students in this seminary by any professor or teacher thereof. So far as the students are concerned, all instruction is gratuitous to all.

2. By professional training it is designed to *exclude* from the course of instruction pursued in this seminary whatever falls appropriately, or according to the custom of the country, under the departments of primary, academical, collegiate and university education; and to *include* all that falls specially under the department of professional education for a minister of the Gospel, so as to fit him for whatever work the Church may properly expect of him as such. The acquisitions *excluded*, the student is presumed to have made as far as is necessary to his success in the ministry before he comes to this seminary. The portion *included*, it is the design of this institution to afford the means of obtaining.

§ The Standards of the Presbyterian Church; the acts of its General Assemblies passed from time to time; this plan; the orders of the Board of Directors of this seminary; and the decisions of its faculty and the several professors who at any time compose it, must determine the proper course of that professional training, so far as this seminary is concerned, and the proper mode of pursuing it.

§ That professional training in its appropriate sphere, must be understood as extending to everything, seeing that it contemplates a profession the most peculiar, the most difficult, and the most exalted. Not only that which is social and public, but also that which is private and personal; not only study and instruction, but discipline and practice; not only growth in knowledge, but growth in grace also; everything is to be

embraced, according to its importance in the future career of a minister of the blessed Gospel.

3. As this institution derives its origin from the General Assembly, that body is to be considered its patron and the fountain of its powers; and it shall be conducted under the authority, oversight and care of the General Assembly.

§ Its immediate interests, in their various aspects and departments, are committed in part to the control and discretion of the Board of Directors; in part to that of the faculty, made up of the professors for the time being; and in part to that of the Board of Trustees under the charter of the seminary.

§ A chapter in this plan is devoted to each of these subordinate authorities, and an additional one to the students of the institution. Under these four heads, all the general principles and all the detailed application of them further necessary in a plan like this, will be stated.

III. The Board of Directors.

1. The Board of Directors as constituted at the expiration of the sessions of the General Assembly of 1873, and their successors appointed in the manner hereafter provided for, shall have the immediate control of the seminary, and are authorized to exercise all the control of the funds belonging to the institution hitherto exercised by the Assembly, as far as can be done consistently with the will of the testators or donors, and consistently with the objects and purposes of the covenants and agreements referred to in the plan of the seminary—the exercise, however, of such control of the funds by the Board of Directors hereby authorized being always subject to the veto of the General Assembly. But all matters relating to finance, such as fixing the salary of professors and the extent of aid to be given to indigent students, shall be submitted by the Board of Directors to the trustees of the seminary for their approval.

The true and only intent and meaning of the amendments and changes now made in the plan of the seminary, are, through the enlarged powers of general administration herein conferred upon the Board of Directors, to provide a more convenient and effective mode of executing by the General Assembly, through said Board, the trusts it now holds in reference to the seminary and its funds, and to increase, by a more efficient local administration, the usefulness of the institution for the purposes for which it was established.

§ The Board of Directors shall consist of thirty members, of whom one-half shall be ministers of the Gospel, and the other half ruling elders in good standing in the Presbyterian Church in the United States of America. These directors shall be divided into three sections of ten persons each, one-half of each section being ministers of the Gospel, and the other half ruling elders; and one of these sections of ten persons shall be elected by the Board of Directors, and all vacancies filled in the two other sections, at each annual meeting of the Board in such manner that each section shall serve three years and until their successors are elected; and the third part of the whole Board shall be elected every year. The form of the election shall be as the Board, from time to time, shall prescribe; and all these elections shall be subject to the veto of the General Assembly, to which body they shall be reported at its next meeting thereafter.

The members of the Board appointed by the General Assemblies of 1871, 1872 and 1873, shall serve out the terms for which they were respectively appointed; and the first election by the Board itself shall be made at the annual meeting in 1874, to fill all vacancies that may exist at that time in its body.

§ Every director, before he takes his seat as such, shall subscribe in the presence of the Board a written declaration, to be kept in a book for that purpose, that he sincerely and truly receives and adopts the Standards of doctrine, government, discipline and worship of our Presbyterian Church. And every director who refuses or who fails, without some sufficient excuse, for one whole year next after his election to appear and qualify and take his seat, shall thereby forfeit his right to do so, and his place shall thereon become vacant.

§ The Board of Directors shall meet on its own adjournment, or it may be convened by a call on due notice of any one of its permanent officers, or by any five members of the Board. Its ordinary place of meeting shall be Danville in Kentucky; but it may meet at any other place where the convenience of the Board, or the interests of the seminary, may require it. Any six members met together at the time and place previously appointed, shall be a quorum competent to transact any business not specially excepted. The annual meeting of the Board, shall be at the seminary, about the close of the seminary year, and shortly before the annual meeting of the Assembly.

2. The Board of Directors shall have power to elect the professors, and to remove them from office—such election and removal being subject to the veto of the General Assembly. The said Board shall also have power to suspend temporarily a professor, preliminary to and pending an investigation of charges against his life or doctrine. In the event of a vacancy in any chair of the seminary, they may employ any suitable person to give instruction temporarily in the vacant department; and they may also, upon the recommendation of the faculty of the seminary, engage the services of any suitable person to give occasional instruction to the pupils upon any particular subject.

§ They shall have power to make all necessary by-laws, rules and regulations for the transaction of their official business as may seem necessary, and to change them from time to time; but none of them must conflict with this Plan.

§ They may appoint Permanent Committees, having all the powers of the Board or any part thereof, to act during the recess of the Board. But all such Committees must report at every meeting of the Board, and all of them must be renewed a least once every year, or their powers cease.

§ They may also appoint such officers, agents and servants—members of the Board—to exercise certain powers thereof; or not members of the Board, to discharge certain functions on its behalf, as may be thought necessary from time to time. And such compensation may be allowed to such persons as the Board may consider reasonable, out of any funds subject to control of the Board.

3. It appertains to the Board of Directors to exercise a general supervision over the professors, teachers and pupils of the seminary; to take care of all the great interests thereof; and, standing between the seminary and the General Assembly, to be the ordinary medium of communication between them.

§ The special object of this arrangement is, that on the one hand the Assembly may have the assurance, derived from the careful superintendence of the Board of Directors, that its acts and purposes are fairly and truly carried out in the seminary, and with regard to it; and on the other hand, that on the part of the professors, teachers, students, and general interests of the seminary, such representations may be statedly made to the Assembly as will encourage and enable it to execute the Lord's purposes of mercy by this means.

§ The management of the funds and property and the care and execution of the charter and franchises belonging to the seminary, are duties and powers which do not appertain to the Board of Directors. But for the furtherance of particular objects, which may be at any time specially important, and which may not fall under the particular duties of the Board of Trustees, the Board of Directors may collect, manage and expend, temporarily or permanently, such funds as may be necessary; keeping a regular account and making report thereof to the General Assembly.

§ Whatever money may at any time be collected, managed or expended by the Board of Directors, or under its authority, shall be kept perfectly distinct from the permanent funds of the seminary.

4. At all the meetings of the Board of Directors, there shall be such religious services as shall seem expedient to the Board. And at its annual meeting there shall be such examinations or other exercises, public or private, of the students of the seminary, as the Board may direct. At its annual meeting, also, the Board shall draw up a report and cause it to be laid before the General Assembly, giving a succinct account of the preceding year's operations, and containing such suggestions and recommendations as the Board may consider it proper to make to the Assembly.

5. The exact period of each year at which the exercises of the seminary will commence, and that at which they will close; the number and the length of the terms and of vacations; everything relating to exhibitions, examinations and public exercises; together with matters of a similar character, belong to the Board of Directors, and are to be determined from time to time, after conference with the professors, in such manner as may seem most proper; the General Assembly hereby reserving to itself the power to make such further provision touching all such matters as it may at any time consider necessary.

§ If it should so happen that less than six members of the Board of Directors should convene at the time and place appointed for any regular meeting of the Board, that shall not absolutely defeat the meeting; but as many directors as may be present shall proceed with such ordinary business as may require attention, and their actings and doings shall be valid unless they are rescinded at the next regular meeting of a quorum of the Board.

§ It shall be the duty of the Board of Directors to take care that the periodical elections of the members of the Board are not omitted; that vacancies in the office of professor in the seminary are duly filled; that newly elected directors and professors are duly inducted into office; that all persons in any way connected with the seminary faithfully perform their respective duties; and that all the interests of the institution are regularly organized and faithfully advanced, according to the great design had in view in its establishment and support.

§ The Board of Directors shall keep a fair journal of all their proceedings, which shall be open at all times to the inspection of the Assembly, by Committee or otherwise, and which shall be laid before the Assembly whenever that body shall require it.

IV. The Professors—The Faculty.

1. The professors in this seminary shall be elected by the Board of Directors at any of their regular meetings or at a meeting specially called for that purpose, and of which due notice shall have been given. The manner of the election shall be as the Board shall deem proper at the time.

§ They shall hold their respective offices during the pleasure of the Board of Directors. But a quorum of the Board competent to dismiss a professor shall consist of not less than one-half of all the members.

§ No professor shall ever be elected except to fill a chair actually existing and vacant; nor shall any professor ever receive merely honorary authority or compensation for past services or otherwise.

§ No one shall be competent to hold the office of professor who is not an ordained minister in good standing in the Presbyterian Church, and who shall not have been statedly engaged as such in some employment immediately connected with the cure of souls for at least five years preceding his election.

2. The number of professors in this seminary shall be increased or diminished at the pleasure of the Board of Directors. But the Board shall at all times feel obliged in this as in all other respects to treat this seminary as one of the first class.

§ The professors shall be inaugurated in such manner as the Board of Directors shall prescribe.

§ As a part of that service, and before any professor enters upon the duties of his office, he shall publicly profess that the Standards of doctrine, government, discipline and worship of this Church are the Standards of his own faith; and he shall subscribe a writing, to be kept in a book for that purpose, setting forth that he has made the said public profession, and solemnly binding himself diligently to teach the system contained in said Standards, and to teach nothing contrary to that system so long as he shall continue a professor in this seminary.

§ Every professor who shall fail or refuse to be inaugurated in manner aforesaid, in a reasonable time (to be judged of by the Board of Directors) after his election, shall thereby forfeit all right to said office, which shall thenceforth be treated as vacant.

§ No professor after being inaugurated shall be at liberty to resign his office, except upon six months' written notice to the faculty of the seminary, unless by the consent of the Board of Directors in some lawful meeting.

3. The professors shall be of equal rank and authority one with another. But when they meet as a faculty, and when they act jointly upon any occasion, the senior professor present shall preside; and he shall perform in the name of the whole all joint official acts. If two or more professors were elected at the same time, the one longest in the ministerial office shall be considered the senior one of them. The faculty shall elect one of their number to act as their Stated Clerk, who shall perform the duties proper to that office.

§ Unitedly the professors shall constitute the faculty of the seminary.

The majority of the professors in office shall be a quorum to do business. In all meetings every matter shall be determined according to the votes of the larger part of those present, the presiding professor having always a right to vote.

§ Each professor shall devote himself to the duties of the particular department of instruction committed to him. And the faculty as a body shall have a joint advisory oversight of the conduct of each separate professor, as to the manner in which his duties are discharged.

4. At present, and till the further order of the Board of Directors, there shall be four professors in this seminary; and till the further order of said Board, the subjects of instruction distributed amongst them shall be as hereinafter provided; namely, there shall be a professor of Didactic and Polemic Theology; a professor of Biblical and Ecclesiastical History; a professor of Church Government and Pastoral Theology; a professor of Biblical Literature and Exegetical Theology.

§ It shall be the duty of these professors to give instruction in the various matters that fall appropriately to their respective professorships: and in the event of any difference of opinion amongst them on that matter, it shall be settled by the faculty, subject to the revision of the Board of Directors.

§ In every department of instruction, under every professorship, it is the Word of God that is to be kept as much as possible under the continual observation of the students. Nor is it either expected or desired that the lines between subject and subject, or even chair and chair, should be drawn in any such manner as to exclude any professor from teaching according to the proportion of faith on all subjects whatever.

5. It shall be the duty of the professors, individually and collectively, to watch over the students with pastoral and parental care and affection; to have regard to all that concerns their health, comfort, piety, progress in knowledge and whatever beside may affect their future usefulness as ministers of the Gospel, remembering the greatness of the charge committed to them of training those who are to win souls.

§ It appertains to them to exhort, encourage, instruct, guide, and, if need be, rebuke, those who are thus committed to them by the Church and the Lord—they having authority for these very things.

§ It belongs to them to admit students into the seminary; to direct them while they are there; to refuse such as they may consider unsuitable, incompetent, or unprofitable; to dismiss such as may prove themselves to be unworthy or injurious; to grant suitable testimonials to such as depart with profit and credit; and to take charge of the entire discipline of the seminary for the edification of the students, and through them for the good of the Church.

§ They shall meet as a faculty from time to time, statedly or otherwise, and shall keep minutes of such of their proceedings as they deem proper to be recorded; and they may make such by-laws, rules and regulations, touching any part of the matters devolving on them, as may from time to time appear needful. Moreover, they shall always meet as a faculty at the request of any member, whose duty it shall then be to notify his fellow-members of his desire for such a meeting.

§ They shall have power as a faculty to communicate officially with the Board of Directors, with the several Boards of Trustees, and with the General Assembly; and it shall be their duty, upon application of any of these Boards, and upon requisition of the Assembly, to report

either statedly or occasionally, as may be necessary, such information touching the proceedings and condition of the seminary as may be desired.

6. The matter of text-books in each particular department is left to the professor thereof, with a supervisory power, however, in the faculty in extraordinary cases, of which they are the judges.

§ It is not intended to intimate that instruction by particular text-books and recitations is preferred as the best method in professional training. On the contrary, let the professors, each in his own department, strive to gather from all quarters all treasures of pertinent knowledge, and communicate them to the students by way of lectures, discourses, prelections and the like; striving by proper examinations of the students to ground these fruits in their minds; enabling them by proper exercises on their part to gain the habit of their use; and making known to them carefully where in books further researches may be made, and how.

§ The method to be pursued in the actual imparting of instruction may be this: In the Hebrew language, let the whole number of students be divided into two sections, one composed of those who are advanced considerably in the knowledge of that language, the other, of those who are beginners in it. In every other study let the whole of the students attend every professor at every public exercise; and let every student attend two or three of these exercises every day that is devoted to them.

§ In the proper arrangement of the instructions given by the professors, every one of them in every part of his course ought to touch at every point that divine truth with which it should be the supreme object of all their endeavors to imbue their pupils, not only as a doctrine, but as a living power; so that during the whole course of the student, the whole of his sacred profession as a minister of Christ will be always in view; nothing that concerns his proper training for it being at any time lost sight of, and nothing else being at any time intruded among his studies.

§ Let it be continually borne in mind that it is not merely to direct and to superintend the studies of the pupils that the professors are appointed to their great and difficult work, but it is actually to instruct them; and that even above this there is a higher duty still, namely, to train them in such a manner that they will afterwards be competent to instruct and train others.

7. The public and social worship of God on the Sabbath and statedly every day, and specially as often as may be for edification, is committed to the regulation of the faculty for the benefit of all connected with the seminary.

§ Once every day at least let all the students, assembled in one place, worship God with singing, prayer, and the public reading of the Word: once at least every Sabbath day let them all meet in one place, and besides singing, prayer, and reading the Word, let them have conference together touching some great matter of doctrine or duty, of faith or practice; and statedly let at least one professor be present with them at all the meetings indicated in this paragraph.

§ It shall be the duty of the professors, under the direction of the Board of Directors, to supply the pupils of the institution with the preaching of the Gospel and the administration of the sacraments of the Christian Church, if this supply shall not, in the judgment of the directors, be satisfactorily furnished by some neighboring church or churches.

8. The full course of instruction given in this seminary shall occupy three consecutive years; so that every student who may continue in it that length of time shall enjoy all the advantages afforded by it.

§ Every professor shall arrange the subjects and studies of his particular department, in such a manner as most effectually to present and develop the whole once and thoroughly within each period of three consecutive years.

9. The salaries of the professors shall be fixed by the Board of Directors.

§ It was enacted by the Assembly of 1853, that a suitable residence should be provided for each professor free of rent, as soon as the funds of the seminary would justify the purchase or erection thereof.

§ The payment of the salaries of the professors, is in the order of importance the first charge upon the permanent funds of the seminary; after that the erection of suitable public buildings; then the enlargement of the library; then the erection or purchase of residences for the professors; then scholarships for students.

10. No professor shall be a member of either the Board of Directors or the Board of Trustees; and the acceptance of a professorship by any member of either of the Boards named shall be regarded as *ipso facto* the resignation of his seat therein.

V. Boards of Trustees—Funds.

1. There are three Boards of Trustees more or less directly connected with the theological seminary at Danville, and having charters of great value.

First.—The Board of Trustees of the Centre College of Kentucky has an amended charter, granted by the Commonwealth of Kentucky in the year 1824, by means of which any amount of funds may be held by that Board of Trustees for the purposes of theological education on the terms stated therein. That Board of Trustees and the Synod of Kentucky which elects them have both agreed, by way of covenant with the General Assembly, that the benefits of this amended charter shall accrue to the Danville Theological Seminary; and by similar covenants the annual income of a considerable fund now held by that Board under that charter, together with all future additions thereto, are to be for the use and benefit of the said seminary upon the conditions agreed to by the Assembly in its acts creating the seminary.

Secondly.—The Board of Trustees of the theological fund of the Synod of Kentucky, who are elected by the Synod of Kentucky, have a charter granted by the Commonwealth of Kentucky in the year 1850, by means of which they may hold property to the value of $50,000, with an income of $5000 a year; and they have in their hands a large sum of money contributed by a portion of the people of Kentucky, which is subject to the control of the Synod of Kentucky, and is dedicated to the purposes of theological education. The use of this charter and of the fund held under it, and of all future additions to it, has been vested in the General Assembly for the benefit of the theological seminary at Danville, by covenant between the Synod of Kentucky and the General Assembly, upon the same terms and conditions as the charter and funds alluded to in the last preceding paragraph.

Thirdly.—The Board of Trustees of the theological seminary under the care of the General Assembly of the Presbyterian Church in the

United States of America has a charter granted to them by the Commonwealth of Kentucky in the year 1854, by means of which they may hold property to any amount whose net income does not exceed the sum of $20,000 a year, the trustees of which corporation are to be elected by the General Assembly itself, and were created expressly to manage the funds of the Danville Seminary and such other funds as the General Assembly may commit to them for any other object designated by itself; and these trustees have a large fund in their hands already accumulated, the whole of it subscribed upon the conditions stated in the acts of Assembly creating the Danville Theological Seminary.

2. Each of these Boards of Trustees may go on at its discretion to collect additional funds for the benefit of the Danville Theological Seminary, according to the provisions of their respective charters, and upon the conditions stated in all the acts of the Assembly and all the covenants with the Assembly relating to said seminary and distinctly reaffirmed in this Plan.

§ For the purpose of avoiding confusion and a multiplicity of accounts, only the third named of the three Boards of Trustees hereinbefore mentioned need report from year to year to the General Assembly; but that Board is expected and required to do so according to the provision contained in the eleventh section of its charter.

§ Both of the other Boards may, however, whenever either of them may consider it necessary, report directly to the General Assembly. But it is also expected, and is hereby provided, that both of them will communicate to the Board of Trustees of the seminary once in every year the exact state of the funds and property under their control respectively, in time to enable that Board to embody the information thus communicated in its yearly report to the General Assembly; and that both of them will pay over to the said Board of Trustees of the Danville Theological Seminary the net income of all property and funds under their control, as fast as it accrues, at least once every half year.

3. Out of the proceeds of the funds and property now in the hands of all three of the aforesaid Boards of Trustees, and out of all funds, subscriptions, and payments hereafter given or made to either of them, the Danville Seminary is to be sustained and carried on according to the fair intent of the acts of Assembly creating said seminary; of this Plan; of the several covenants entered into by the Assembly concerning said seminary; and of the charters under which said Boards exist.

§ The objects to be specially and immediately aimed at should be the current support of the seminary on an effective basis; the collection and safe investment of a sufficient amount of money or other property to defray by its income the annual expense of carrying on the seminary; the collection of additional funds to erect the permanent buildings needful for the accommodation of the seminary, for the founding and gradual enlargement of a library, and for a certain number of scholarships for the support of indigent students. The Board of Trustees of the seminary is especially charged with this work.

§ The Board of Trustees of the seminary will take exclusive charge of the duty of providing for all expenditures incurred in the regular and ordinary support of the seminary, and in the current expenses thereof; the other two Boards of Trustees mentioned in this Plan limiting themselves in that respect to the regular payment of their income respectively, as hereinbefore provided.

VI. The Students.

[Omitted.]

VII. General Provisions.

1. The General Assembly reserves to itself the most ample power to make amendments and alterations in this Plan.

§ Those parts of it that involve only matters of detail may be changed at any time by the Assembly, either on its own motion or at the suggestion of the Board of Directors.

§ No fundamental principle of the Plan shall be changed unless it is proposed at one annual meeting of the Assembly and carried at the next annual meeting thereof, unless such change be proposed to the Assembly by the Board of Directors and carried by a vote of two-thirds of the members of the Assembly.

§ Those principles and parts of the Plan which are founded on the covenants between the Synod of Kentucky, or the Board of Trustees of the Centre College of Kentucky, and the General Assembly, shall never be so changed as to affect the force or integrity of either of those covenants, without the previous consent of the opposite parties thereto.

2. Until the further order of the Assembly, or some different provision by the Board of Directors under the powers vested in them by this Plan, there shall be one annual session of the seminary, which shall begin on the first Thursday in September and terminate on the last Thursday in April, with a short recess, at the discretion of the faculty, about Christmas.

Authentication.

The Committee appointed by the last General Assembly to report to the present Assembly a complete Plan for the Danville Theological Seminary, beg leave to report that the following members of the said Committee, viz., J. J. Bullock, Willis Lord, J. T. Edgar, James Smith, R. J. Breckenridge and J. C. Young met, agreeably to previous notice, at Danville on the 11th inst., and agreed unanimously to submit to the Assembly the accompanying Plan for its adoption.

Those parts of this Plan which define the powers and prescribe the duties of the Board of Directors of the seminary, were submitted to that Board for their judgment at their late session, and were unanimously approved. Those parts of the Plan touching the professors and students were also submitted to the inspection of the faculty of the institution, and met their entire approval.

JOHN C. YOUNG,
May 20, 1854. *Chairman of the Committee.*

Approved in the General Assembly at Buffalo, N. Y., May 26, 1854, and transmitted to the Board of Directors of the Seminary at Danville.

ALEX. T. M'GILL,
Permanent Clerk.

2. Charter.

An Act to incorporate the Trustees of the Theological Seminary, under the care of the General Assembly of the Presbyterian Church in the United States of America, at Danville, in the State of Kentucky.

SECTION 1st. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Charles Henderson, J. F. Boyles, James S. Hopkins, Charles Caldwell, J. S. Berryman, Peter R. Dunn, William Thompson, Mark Hardin, W. C. Brooks, J. P. Curtis, Robert J. Breckinridge, Edward P. Humphrey,

John C. Young, Robert C. Grundy, William M. Scott, William L. Breckinridge, John Montgomery, and Robert A. Johnstone, and their successors, duly elected and appointed in manner as is hereinafter directed, be, and they are hereby made, declared, and constituted a corporation and body politic and corporate, in law and in fact, to have continuance by the name, style, and title of the Trustees of the Theological Seminary, under the care of the General Assembly of the Presbyterian Church in the United States of America, at Danville, in the State of Kentucky; and by the name, style, and title aforesaid, shall be capable and able in law to take, receive, and hold, all, and all manner of lands, tenements, rents, annuities, franchises, and other hereditaments, which at any time or times heretofore have been granted, bargained, sold, enfeoffed, released, devised, or otherwise conveyed for the use of the Theological Seminary under the care of the General Assembly of the Presbyterian Church in the United States of America, located at Danville, in the State of Kentucky, or any other person or persons, to the use of the said seminary, or in trust for the same; and the said lands, tenements, rents, annuities, liberties, franchises and other hereditaments are hereby vested and established in the said corporation and body politic, and their successors, according to the original use and interest for which such gifts and grants were respectively made: and the said corporation and their successors are hereby declared to be seized and possessed of such estate and estates therein, as in and by the respective grants, bargains, sales, enfeoffments, releases, devises, and other conveyances thereof, is or are declared, limited, and expressed; also, that the said corporation and their successors shall be able and capable to purchase, have, receive, take, hold, and enjoy in fee simple or of lesser estate, or estates, any lands, tenements, rents, annuities, franchises and other hereditaments, by gift, grant, bargain, sale, alienation, enfeoffments, release, confirmation, or devise of any person or persons, bodies politic and corporate, capable and able to make the same: and further, that the said corporation and their successors may take and receive any sum or sums of money, and any portion of goods and chattels that have been given to and for the use of the Theological Seminary at Danville, or the Directors thereof, or to any other person or persons, body politic or corporate, in trust, or for the use of the said seminary, or that hereafter shall be given, sold, leased, or bequeathed to the said corporation, by any person or persons, bodies politic or corporate, that are able or capable to make a gift, sale, bequest, or other disposal of the same;—such money, goods, or chattels, to be laid out, and disposed of for the use and benefit of the aforesaid corporation, agreeably to the intention of the donors, and according to the object, articles, and conditions of this Act.

SECTION 2nd. That no misnomer of said corporation and their successors, shall defeat or annul any gift, grant, devise, or bequest, to or for the use of said corporation. *Provided*, The intent of the party or parties shall sufficiently appear upon the face of the gift, will, grant, or other writing, whereby any estate or interest was intended to pass to or for said corporation.

SECTION 3rd. That the said corporation and their successors shall have full power and authority to make, have, and use a common seal with such devise and inscription as they may adopt, and the same to break, alter, and renew at their pleasure.

SECTION 4th. That the said corporation and their successors, by the names, titles, and style aforesaid, shall be able and capable to sue and be sued, plead and be impleaded, in any court of law or equity in this State.

SECTION 5th. That the said corporation and their successors shall be, and hereby are, authorized and empowered to make, ordain, and establish, by-laws and ordinances, and do everything incident to and needful for the support and due government of the said corporation, and managing the funds and revenues thereof, *Provided*, The said by-laws be not repugnant to the Constitution and laws of the United States, to the Constitution and laws of this State, or to this Act.

SECTION 6th. That the said corporation shall not at any time consist of more than eighteen persons, at least nine of whom shall at all times be citizens of this State, whereof the General Assembly of the Presbyterian Church in the United States of America, at any meeting thereof held in the State of Kentucky, may change one-third, in such manner as to the said General Assembly shall seem proper, and fill all vacancies then existing.

SECTION 7th. That the said corporation and their successors shall have power and authority to manage and dispose of all monies, goods, chattels, lands, tene

ments, and hereditaments, and other estate whatsoever, committed to their care and trust by the said General Assembly, and in such cases where special instructions for the management and disposal thereof, shall be given by the said General Assembly, in writing, under the hand of their clerk, it shall be the duty of said corporation to act according to said instructions. *Provided*, The said instruction shall not be repugnant to the Constitution of the United States, or to the Constitution and laws of this State, or to this Act.

SECTION 8th. That six members of this corporation shall be a sufficient number to transact the business thereof, and to make by-laws, rules, and regulations *Provided*, That previous to any meeting of the Board of Corporation for such purposes, not appointed for adjournment, ten days' notice shall be previously given thereof by the President or Secretary, by advertisement in some newspaper published in this State, or by written notice sent by mail to each member of the Board of Trustees. And said corporation shall and may, as often as they shall see proper, according to their rules and by-laws, choose out of their number a president and vice-president and secretary; and shall have power to appoint a treasurer and such other officers and agents, as shall by the said corporation be deemed necessary; to which officers and agents, the said corporation may assign such duties to be performed by them, and award such compensation for their services, and fix the tenure of their office in such way and manner as the said corporation shall direct.

SECTION 9th. That the said corporation shall have the power and authority to take and receive a bond or bonds from the treasurer and other officers and agents, in such penalty and with such conditions as said corporation may prescribe.

SECTION 10th. That the members of the Board of Trustees of this corporation, before acting as such, shall each make and sign a declaration that each of them will truly and faithfully, to the best of his ability and skill, exercise the office and perform the duties of trustees, under this act and the by-law of this corporation; and in case of the refusal or neglect of any member of the Board of Trustees to make and sign such declaration and perform the duties of trustee aforesaid, for more than one year, or decline the same, the Board of Trustees shall have power and authority to declare the said office of trustee vacant, and fill the vacancy by appointment of some fit and proper person to said vacancy, who shall hold the same and remain in office until such vacancy shall be filled by the General Assembly of the Presbyterian Church, under the provisions of this Act.

SECTION 11th. That said corporation shall keep regular and fair entries of their proceedings, and a just account of their receipts and disbursements, in a book or books to be provided for that purpose, and shall, once in a year, exhibit to the General Assembly of the Presbyterian Church in the United States of America, an exact statement of the accounts and funds of said corporation.

SECTION 12th. That the Board of Trustees appointed by this Act, and their successors, shall have no power to exercise any authority touching the course of instruction and study in said Theological Seminary, or the appointment of professors or teachers in said seminary; their compensation, their tenure of office, and the course of study in said institution, shall remain under the exclusive power and control of the General Assembly of the Presbyterian Church in the United States of America, and of such person and persons as shall be appointed by the said General Assembly from time to time, and the said corporation shall provide out of the estate, funds, or income thereof, in their keeping, control, and management, for the payments from time to time of such salaries and compensations of professors, and other teachers and officers of said seminary as shall be allowed, directed, and established by said General Assembly at any of its annual meetings.

SECTION 13th. That the Board of Trustees appointed by this act of incorporation and their successors, shall have power and authority to purchase ground, erect buildings for the use of said seminary, and provide libraries and the accommodations, out of, or by means of, any funds or estate in their hands, not necessary to the annual support of the said seminary, or out of any money or estate collected or received by them from time to time, for those especial objects and purposes.

SECTION 14th. That the said corporation may take, receive, purchase, possess, and enjoy messuages, lands, tenements, rents, annuities, and other heredita-

ments, real and personal estate of any amount. *Provided*, That the same do not yield a nett annual income exceeding the sum of twenty thousand dollars.

SECTION 15th. Be it further enacted, That the General Assembly shall have power to alter, modify, or repeal this Act at any time.

CHARLES G. WINTERSMITH,
Speaker of the House of Representatives.
H. G. BIBB,
Speaker of the Senate.

Approved January 28th, 1854, by the Governor,
L. W. POWELL.

J. P. METCALFE,
Secretary of State.

An act, supplemental to an act incorporating the Trustees of the Theological Seminary under the care of the General Assembly of the Presbyterian Church in the United States of America, at Danville in the State of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That section fifteen of an act incorporating the Trustees of the Theological Seminary, under the care of the General Assembly of the Presbyterian Church in the United States of America, at Danville, in the State of Kentucky, approved January 28th, 1854, which said section reserves to the Legislature the right to repeal, alter, or annul said charter at any time, be,—and the same is, hereby repealed.

CHARLES G. WINTERSMITH,
Speaker of the House of Representatives.
H. G. BIBB,
Speaker of the Senate.

Approved February 25th, 1854, by the Governor,
L. W. POWELL. J. P. METCALFE,
Secretary of State.

3. Action of the Assembly of 1873.

Reports have been received from the directors and trustees of this institution. The directors report that, the difficulties in the way of their adoption of the plan of control recommended by the Assembly being removed, they have approved and adopted said Plan, subject to the approval of the Assembly. The necessary changes in the present plan of the seminary are presented, and after close and careful scrutiny of them the Committee recommend to the Assembly that they be approved, and that the guardianship and control of the Danville Theological Seminary be remitted to the Board of Directors as soon as the existing vacancies shall have been filled, the Assembly being still considered as the patron of the seminary and the fountain of its powers, and retaining a veto power in the election of its directors and professors, and over all the acts of the directors in financial affairs.—1873, pp. 530, 531.

4. Answer of the Board of Directors, 1894.

The following paper was unanimously adopted November 8, 1894:

Being advised that, under our present charter, the Board of Directors has the legal power, by the adoption of by-laws, to accomplish the purpose contemplated by the General Assembly of 1894, in its Plan for the government of the theological seminaries, and it being suggested that there are grave legal difficulties in effecting an amendment of the charter itself, therefore,

Resolved, That the four propositions *a*, *b*, *c* and *d* of the first resolution, found on pp. 65 and 66 of the *Minutes* of 1894, be, and the same are hereby accepted by this Board as by-laws and ordinances for the government of the directors of the Danville Theological Seminary.

under the care of the General Assembly of the Presbyterian Church in the United States of America, so far as the funds of the seminary are not devoted by the donors thereof to some special purpose, or are not beyond the control of this body.—1895, p. 160.

5. Answer of the Board of Trustees, 1894.

Resolved, 1. That this Board is in full sympathy with the action of the General Assembly of the Presbyterian Church in the United States of America, as appears by their adoption of the report of the Committee of Fifteen on Conference with Theological Seminaries, and the Board believes that the General Assembly of our Church should have and retain the fullest and broadest control over its theological seminaries, the professors who instruct therein and the course of instruction adopted.

Resolved, 2. By reason of the fact that this Board deems it inexpedient to ask from the General Assembly of the Commonwealth of Kentucky, any amendment of its charter granted by said General Assembly of Kentucky in 1854, and which incorporated this Board of Trustees, for the reason that, under the existing condition of affairs, this said charter is not subject to amendment, alteration or repeal by said Legislature, but, under the provisions of the present Constitution of Kentucky, if any amendment of said charter be sought, then the Legislature will have the power to make, at any time, any amendment or alteration that it may deem wise and proper, the Board must decline to ask for such amendments as would give it power to comply with some of the requests of the General Assembly.

By reason of the limitations on the power of this Board under its said act of incorporation, it has no authority over or control of the election, appointment or transfer of professors or teachers in its seminary, and therefore the Board takes no action on that point.

Further, under this charter, this Board feels compelled to retain control of the funds and property of said seminary in its hands, subject to the terms of said charter, but the Board expresses the confident belief that at no time will these funds be applied to any purpose or use opposed to the direction and wishes of our General Assembly.

By Section 12 of said act of incorporation, this Board is compelled to provide, out of the estate, funds or income in their keeping and control, the payment, from time to time, of such salaries and compensation of professors and other teachers and officers of said seminary as shall be allowed, directed, and established by the General Assembly at any of its annual meetings, and heretofore these payments have been made in accordance with the direction of the Board of Directors of this seminary, which Board is merely an agent of the General Assembly.

While this Board believes that, in accordance with the charter under which it was created and exists, it cannot divest itself of, or transfer to, any other body the right of electing its members, yet, as evincing in the strongest possible manner, its desire to comply with the plan proposed by the Assembly, the Board unanimously decides that all elections to fill vacancies in its body shall not be by itself regarded as a complete and final election until those elected have been approved by the General Assembly.—1895, p. 161.

[NOTE.—See for the Assembly's Plan, *Minutes*, 1894, p. 417.]

6. Action of the Assembly, 1895.

The Board of Directors of Danville has resolved to adopt the recommendations as to By-Laws, and as a part of their Constitution. The Board of Trustees states that it has an irrepealable charter which cannot be amended without danger of forfeiture. It declares its approval of the substance of the recommendations, and while not deeming the same necessary, in view of the control the Assembly now has over the funds of said corporation, expresses its willingness to give the General Assembly the approval of the election of the members of the Board.

The Committee recommends the Assembly to request the Board of Trustees at Danville to secure such legislation, not imperiling the charter, as will insure to the General Assembly the right to be represented in the courts, and to enforce its proper supervision over the seminary and its property.—1895, p. 32.

VII. THE M'CORMICK THEOLOGICAL SEMINARY.

[NOTE.—For the antecedent history, see Baird's *Digest*, 1858, under the head "New Albany Theological Seminary." Founded, 1830. Located at Chicago, Ill., since 1859.]

1. Constitution.

[NOTE.—As adopted by the General Assembly of the Presbyterian Church in the United States of America, at its sessions held in Indianapolis, Ind., A.D. 1859; and as amended at its sessions held in Detroit, Mich., A.D. 1872; Madison, Wis., A.D. 1880; Springfield, Ill., A.D. 1882; and Minneapolis, Minn., A.D. 1886.]

Article I. Of the name and objects of the Seminary.

SECTION 1. The name of the institution shall be "The McCormick Theological Seminary of the Presbyterian Church."

SEC. 2. The objects of the seminary shall be, to instruct candidates for the Gospel ministry in the knowledge of the Word of God, contained in the Scriptures of the Old and New Testaments, the only supreme and infallible rule of faith and life, and of the doctrine, order and institutes of worship taught in the Scriptures, and summarily exhibited in the Constitution of the Presbyterian Church in the United States; to cherish in them, by all the means of Divine appointment, the life of true godliness; to cultivate in them the gifts which Christ, the Head of the Church, by His Spirit, confers upon those whom He calls to the ministry; and to impart to them, so far as may be, the various learning by which they may be furnished for its work, to the end that there may be trained up a succession of able, faithful and godly ministers of the Divine Word, as the chief agency under God, who ordained the Church, for the gathering and perfecting of the saints in this life to the end of the world.

Article II. Of the Board of Directors.

SECTION 1. The Board of Directors shall consist of twenty ministers and twenty ruling elders, of whom one-fourth, or five ministers and five elders, shall be chosen by said Board annually, to continue in office four years, and until their successors are elected and qualified; and the Board shall also have power to receive resignations and declinations, and to fill all vacancies which may occur in its body; all of these elections, however, shall be subject to the veto of the General Assembly, to which they shall be reported at its next meeting.

SEC. 2. In just recognition of the relations of the late Hon. Cyrus H. McCormick and his family to this seminary, Cyrus H. McCormick, Jr.,

is hereby constituted from this time forth a special member of the Board of Directors, to qualify as and to have all the privileges and prerogatives of other full members of the Board, and to continue in the office during the time of his natural life, or until he shall resign.

SEC. 3. The Board of Directors shall have power, at their discretion, annually to elect not to exceed four honorary directors. Said honorary directors shall continue in office for the same time as, and shall be entitled to, and expected to exercise all the privileges of directors, except voting. Said honorary members shall be the authorized representatives of the Board and of the interests of the seminary in their respective places of residence and fields of labor.

SEC. 4. The Board of Directors shall have power to elect and duly induct and inaugurate into office the professors of the seminary; to receive their resignations; also to remove them from office; such elections and removals to be subject to the veto of the General Assembly. The Board shall also have power to suspend temporarily a professor, preliminary to and pending an investigation of charges against his conduct or doctrine.

SEC. 5. The Board of Directors shall have the superintendence and control of the seminary and its funds and property.

SEC. 6. Every director, before taking his seat as a member, shall subscribe the following engagements, in a book kept for that purpose, viz.:

"I do solemnly promise, in the presence of God and of this Board, that I will faithfully execute the office of a director of The McCormick Theological Seminary of the Presbyterian Church, and will support its Constitution and the Constitution of the Presbyterian Church, so long as I remain in this office."

SEC. 7. The Board of Directors shall meet once in every year at the place where the seminary is located, and such annual meeting shall be on the Wednesday immediately preceding the close of the seminary year, unless the Board shall appoint another time; and the Board may meet at other times and places on its own adjournment, and on extraordinary occasions, by the call of the president, or other officer having power to convene it.

SEC. 8. Any seven directors being met at the time and place appointed, shall constitute a quorum for the transaction of business. Any two directors so met, may adjourn from time to time until a quorum shall be present.

SEC. 9. The Board of Directors shall choose annually from their own members a president, vice-president and a secretary, who shall hold their offices from the time of their election till the next annual meeting, and until their successors shall be duly appointed.

SEC. 10. The president, or in case of his absence, the vice-president, shall preside at all meetings of the Board, and perform such other duties as naturally belong to his office, and as the Board shall appoint. He may convene, and when requested by any seven members, it shall be his duty to convene the Board; and of the time and place of such special meeting, and the business for which it is called, he shall send a written notice by mail or otherwise, not less than twenty days before the time of such meeting.

SEC. 11. The secretary shall keep a full and true record of the transactions of the Board, and shall keep all books of records and papers, and perform such other duties as the Board shall direct.

SEC. 12. In the absence of any officer, the Board may appoint some other person to fill his place *pro tempore*.

SEC. 13. The Board may make Rules of Order and By-Laws, not inconsistent with this Constitution.

SEC. 14. The Board of Directors shall have power, and it shall be their duty:

(1) To superintend, either by itself or by a Committee, the annual examination of the students, and to appoint such other services in connection therewith, as it may think proper.

(2) To provide all funds, buildings, libraries, and other means necessary and proper for the use of the seminary; to appoint a Board of Trustees and fill all vacancies therein, and to instruct and direct the said Board in respect to the investment, custody, management and disposal of all funds and property of the institution; to fix the salaries of all professors and other officers; and, by itself, or the Board of Trustees, to make all appropriations of moneys.

(3) To make annually to the General Assembly, in writing, a full and faithful report of the whole state of the seminary and of the transactions of the Board, and also to submit their records when required, for the inspection of the Assembly.

Article III. Of the Professors.

SECTION 1. (1) No person shall be eligible to any professorship in the seminary, except a member in full communion in the Presbyterian Church; and no person shall be eligible to the office of professor of Theology, except a regularly ordained minister in that Church.

(2) Every professor, before he enters upon the execution of his office, shall subscribe the following engagement, in a book kept for that purpose, namely:

"In the presence of God and of the Board of Directors of this seminary, I do solemnly profess my belief that the Confession of Faith and Catechisms of the Presbyterian Church contain a summary and true exhibition of the system of doctrine, order and worship taught in the Holy Scriptures, the only supreme and infallible rule of faith, and my approbation of the Presbyterian form of Church government, as being agreeable to the Scriptures; and do promise that I will not teach, directly or indirectly, anything contrary to, or inconsistent with, the said Confession and Catechisms, or the fundamental principles of Presbyterian Church government, and that I will faithfully execute the office of a professor in The McCormick Theological Seminary of the Presbyterian Church."

SEC. 2. (1) Each professor shall have power to conduct the course of instruction in the studies assigned to his department; to preserve order and due attention therein; and to appoint such exercises of religious worship in connection therewith as he may deem proper.

(2) Each professor, if required, shall lay before the Board of Directors, a true and full statement of all text-books used by him, and of his whole method of instruction, and shall treat with respectful consideration any suggestions or advice which the Board may give.

SEC. 3. (1) The professors of the seminary shall constitute a faculty of instruction and government; they shall appoint (unless the Board of Directors otherwise order), their own chairman and secretary, and on every question each professor shall have one vote.

(2) The faculty shall meet at such times and places as they shall appoint, and may make rules and by-laws, not inconsistent with this Constitution, as they may deem proper.

(3) The faculty shall have power and it shall be their duty:

First. To appoint the portion of time and the particular hours that the students shall attend the professors respectively.

Second. To appoint and direct all exercises to be performed in the presence of the whole seminary or in public.

Third. To appoint the times at which all the students shall assemble together for Divine worship, and to direct the conducting of the same.

Fourth. To provide the students, if they shall deem it expedient, with preaching and other ordinances of worship and means of grace on the Lord's day.

Fifth. To establish rules of order, decorum and duty, for the conduct of the students.

Sixth. To inquire into the conduct of the students, and to admonish, suspend or dismiss any student who shall be found propagating error in doctrine, to be immoral, or disorderly in conduct, negligent of study or other duties, or who shall be, in their judgment, on any account a dangerous or unprofitable member of the institution; *Provided*, that such student shall have opportunity to be reasonably heard in his own defense, and that the faculty shall sit with due caution and a tender regard to his rights and his welfare.

SEC. 4. (1) The faculty shall keep a register, in which shall be entered the name of each student, his residence, the church of which he is a member; the Presbytery, if any, of which he is a candidate; the college, if any, of which he is an alumnus, the time of his entering, and the time and mode of his leaving the seminary.

(2) The faculty shall keep a journal of their proceedings, which, if required, shall be laid before the Board of Directors.

(3) The faculty shall make a report of the state of the seminary to the Board of Directors, at each annual meeting, and at other times when required by the Board.

Article IV. Of the Course of Study.

[Omitted.]

Article V. Of Personal Religion.

[Omitted.]

Article VI. Of Admission.

SECTION 1. The qualifications required in students for admission to the seminary are, full communion in some branch of the Christian Church, a good reputation for consistent Christian character, a regular course of academic study, of which evidence shall be furnished by a college degree or by examination, and if from another theological seminary, a written certificate of good standing and honorable dismission.

SEC. 2. Every student before admission to the seminary shall subscribe the following engagement, in a book kept for that purpose, namely: "I do solemnly promise that I will diligently and faithfully attend on all the instructions and exercises of this seminary, observe its rules of conduct relating to students, and obey the lawful requisitions and respect the admonitions of the professors and of the Board of Directors, while I shall continue a student of the institution."

Article VII. Of the Seminary Grounds, Buildings, and Library.

The faculty shall have the custody and control of the seminary grounds, buildings, and library, which shall be subject to such regulations as they may prescribe.

Article VIII. Of the Funds and Financial Officers.

SECTION 1. All permanent funds established for the support of the seminary shall be sacredly preserved inviolate, and it shall not be lawful for the Board of Directors, the Board of Trustees, or any person to withdraw, or to borrow, for any purpose, from any such fund, any money, securities, or other property without at the same time placing to the credit of such fund a value clearly and fully equivalent.

SEC. 2. The Board of Trustees, which shall appoint its own president, secretary and treasurer, shall have the custody of all the funds and property of the seminary, with power to invest, manage, buy, sell and otherwise dispose of the same for the use of the seminary, in any manner not inconsistent with this Constitution, and subject in all things to the instructions of the Board of Directors.

SEC. 3. The Board of Trustees shall appoint a treasurer, who shall hold his office during the pleasure of the Board, and whose duty it shall be, under the direction of the Board, to keep all books of account, and to have the custody of all such books of account, securities and other papers and documents relating to the finances, and of all funds and other property, except the seminary buildings, the grounds connected therewith, and the library; and to present to the Board annually, and oftener when required, a clear and full report of the whole state of finances, and of the transactions of the current year; and he shall be the keeper of the seal, and when required shall execute to the Board a bond in such penal sum, and with such securities as they shall prescribe, for the faithful discharge of his duties.

SEC. 4. The Board of Trustees shall make to the Board of Directors at the annual meeting, and at other times when required, a clear and full report of the whole state of the finances, and of the transactions of the current year, or any part thereof, which report shall be transmitted by the Board of Directors to the General Assembly.

Article IX. Constitution, how amended.

This Constitution may be altered, or amended, by a vote of three-fourths of the directors present, and voting at a regular annual meeting of the Board; such alteration, or amendment, to take effect, and be in force only when the same shall be approved by the General Assembly.

2. Charter and supplements.

An Act to incorporate "The Presbyterian Theological Seminary of the Northwest."

Whereas, It is represented to the General Assembly of the State of Illinois, that the Synods of Cincinnati, Wisconsin, Iowa, Illinois, Northern Indiana, Chicago and Indiana, of the Presbyterian Church in the United States of America, did respectively on the sixth, the tenth, the eleventh, the thirteenth and the eighteenth days of October, in the year of our Lord eighteen hundred and fifty-six, adopt an instrument entitled "The Constitution of the Presbyterian Theological Seminary of the Northwest," and have now a seminary for the professional education of candidates for the Christian ministry, established and in operation under the said Constitution; *And Whereas*, It is

represented, that in order to the more convenient custody, management and disposal of the funds and other property now possessed, and which shall hereafter be possessed for the use of the said seminary, by the Synods aforesaid, and other Synods which shall become united with them in the direction and control of the said seminary, in conformity to the said Constitution, it is necessary that there be constituted a Board of Trustees, which shall be a corporation, or body corporate and politic in law and in fact; therefore,

Be it enacted by the people of the State of Illinois, represented in the General Assembly:

SECTION 1. That John Wilson, Samuel Howe, R. J. Hamilton, R. W. Henry, A. B. Newkirk, R. B. Mason, William Baily, Warren Norton and A. J. Buel, who at present constitute the Board of Trustees aforesaid in said office, and their successors, duly elected and appointed in the manner hereinafter provided, be, and they are hereby constituted and declared a corporation or body corporate and politic in law and in fact, and to have continuance and perpetual succession, by the name and style of "The Trustees of the Presbyterian Theological Seminary of the Northwest."

SEC. 2. That the said corporation shall be composed of nine trustees, of whom not less than five shall be citizens of the State of Illinois; and the Board of Directors of the seminary established under the said Constitution, shall have power at any meeting held in the State of Illinois, to change one-third of the whole number of trustees in such manner as to the said Board of Directors shall seem proper, and to fill all vacancies which may then exist in the Board of Trustees; and of every trustee, so appointed, the proper credentials shall be a written certificate of his appointment by the Board of Directors, authenticated by the names of its president and secretary.

SEC. 3. That before any trustee enter on the execution of his office, he shall subscribe, in a book kept for that purpose, the following engagement: "In the presence of God, I do solemnly promise that I will faithfully execute the office of a trustee of the Presbyterian Theological Seminary of the Northwest, under the act to incorporate the trustees thereof, and will support the Constitution of the seminary so long as I continue in this office."

SEC. 4. That any five members of the said corporation, being met for the first time in conformity to this Act, or afterwards, in the manner hereinafter provided, shall be a quorum competent to transact its business.

SEC. 5. That the said corporation shall have power to make all rules and by-laws which may be necessary and proper for the transaction of its business; it shall have power according to its own rules and as shall seem to it proper, to appoint a president, a vice-president and a secretary out of its own members, and other officers or agents at its discretion, the times and tenures of their offices respectively, the duties belonging to each, and the pecuniary compensation which they shall receive.

SEC. 6. That the first meeting of the said corporation shall be held in the city of Chicago, at such time as any five of the trustees named in this act being assembled together shall appoint; afterwards it shall meet at such times and places as it shall appoint, and the president, or in case of his absence, or inability, or refusal, or neglect to act, the vice-president, or if he fail, the secretary shall have power, and when requested by any three trustees, it shall be his duty to convene the corporation; of the time and place of which special meeting, the officer calling it shall give to each trustee due notice, either by himself orally, or by some other person, or by a written note left at the dwelling or the usual place of business of such trustee, or sent to him by mail at least seven days before the time of such meeting.

SEC. 7. That all questions before the said corporation shall be decided by a majority of the members present at the time, and on every such question each member shall have one vote, except the president, or other person when acting as president, who shall have only the casting vote, in case the votes of the other members shall be equally divided.

SEC. 8. That the said corporation shall have power to make, have and use one common seal, with such device and inscription as it shall appoint, and the same to break, change or renew at its discretion.

SEC. 9. That the said corporation shall have power to appoint a treasurer, who shall hold his office during the pleasure of the corporation, whose duty it shall be, under the direction of the corporation, to keep all books of account, to have the custody of all such books of account, securities, of every kind, and other papers and documents relating to the finances, and of all funds, moneys,

and other property, real and personal except the buildings and grounds connected therewith, occupied by the seminary, the library and furniture of which, subject to the disposal of the corporation, the faculty shall have the custody and control, and to present to the corporation annually, and oftener whenever required, a clear, full and true report of the transactions of the current year, or any part thereof, and of the whole state of the finances; he shall be the keeper of the seal, and shall have the sole right to use it for the authentication of such instruments as the corporation shall direct him thus to authenticate, and shall execute to the corporation, whenever required, a bond or bonds, in such penal sum or sums, and with such securities as the corporation shall prescribe, for the faithful execution of his office; and of all such bonds and securities the president of the corporation shall have the custody.

SEC. 10. That the said corporation, by the name and style aforesaid, shall be capable and able in law to sue and be sued, plead and be impleaded, in any court or courts of law or of equity, before any judge or judges, in all and all manner of suits, complaints, pleas, causes, matters, and demands of whatsoever kind or form they may be, and all things therein, or anywise relating to do in as full and effectual a manner as any person or persons, or any body politic and corporate within the State, may or can do.

SEC. 11. That the said corporation is hereby expressly prohibited from exercising, in virtue from any power derived from this act, any authority or control in any way whatever in respect to the doctrine or doctrines taught, the course of instruction and study, or the government and discipline in the said seminary, or to the appointment of professors or other instructors in the said seminary, the tenure of their offices or the execution thereof, or to the pecuniary compensation which any such professor shall receive, or the time or manner of its payment; all of which matters and things shall remain under the exclusive power and direction of the Synods aforesaid, and such other Synods as shall become united with them therein, in conformity to the provisions of the Constitution of the said seminary, as the same now exists, or as it may hereafter exist by amendments provided for by the said Constitution, and of the Board of Directors of the said seminary, and so far as it respects the execution of their own offices, to the professors of said seminary; the said directors being in all things appertaining to their own offices subject to the control of said Synods, and the professors amenable to the Board of Directors, in conformity to the said Constitution.

SEC. 12. That the said corporation, by the name and style aforesaid, shall be capable in law, and have full power to take, receive and hold all and all manner of lands, tenements, moneys, stocks, rents, annuities, reversions, franchises, legacies, hereditaments and other property, real or personal whatsoever, which have at any time or times heretofore been granted, sold, bargained, released, devised, or otherwise conveyed to any other body politic and corporate, or any other person or persons whatever, for the use of the said seminary, or in trust for the same; and the said lands, tenements, moneys, stocks, rents, annuities, reversions, franchises, legacies, hereditaments, and other property, real and personal, are hereby vested and established in the said corporation forever, according to the use and interest for which such gifts, grants, devises, releases, or other conveyances respectively, were originally made; and the said corporation is hereby declared to be seized and possessed of such estate or estates therein, as in and by their respective grants, sales, bargains, enfeoffments, gifts, devises and other conveyances thereof, are declared limited and expressed. That, further, the said corporation and their successors, shall be capable in law, and shall have full power to take, receive, hold and enjoy, in fee simple, or of lesser, estate or estates, in trust for the use of the said seminary, all lands, tenements, moneys, stocks, rents, annuities, franchises, legacies, hereditaments and other property, real and personal whatsoever, by sale, bargain, grant, enfeoffment, release, gift, devise, or other conveyance of any body politic and corporate, or of any person or persons capable to make the same; and that no misnomer of the said corporation and their successors shall annul, defeat, or in anywise impair any gift, devise or grant of any kind to the said corporation, or to any other person or persons, or any other body politic and corporate for the said corporation: *Provided*, That the interest or party or parties shall sufficiently appear upon the face of the gift, grant, will or other writing, whereby it was intended that any estate or interest should pass to said corporation, or to any other body politic and corporate for the use of the said seminary.

SEC. 13. That the said corporation and its successors shall have power to invest and loan all moneys and funds, and by bargain, sale, lease, or otherwise, to manage, sell and dispose of any and all lands, tenements, stocks, rents, annuities, franchises, legacies, bequests and estates of any kind of which they shall be legally seized and possessed, for the sole use of the said seminary, in the promotion of the objects for which it is established, and in conformity to the provisions of this act. That the said corporation shall have power and it shall be its duty, out of any estate, funds and property in its possession, custody, management and control, and not otherwise appropriated and limited, to provide by purchase or otherwise, grounds, buildings, libraries, furniture and other accommodations for the use of the said seminary; and in like manner to provide an income for payment of all such salaries and compensations of professors, instructors and other officers and agents of the said seminary, as shall be allowed and appointed by the Board of Directors of said seminary, and for the payment of the salaries and compensations allowed and appointed by the said corporation to its own officers, agents, or other persons, and for defraying all the necessary and proper expenses for the transaction of its business.

SEC. 14. That in all cases in which special instructions shall be given by the Board of Directors of the said seminary in writing, authenticated by the names of its president and secretary, in respect to the custody, investment, management or disposal of any lands, tenements, stocks, moneys, gifts, legacies, hereditaments, property, real and personal, estate or estates of any kind, of which the said corporation shall be possessed, it shall be the duty of the said corporation to act in conformity to said instructions: *Provided*, That the said instructions shall not be repugnant to the Constitution of the United States, to the Constitution and laws of this State, or to this act.

SEC. 15. That the said corporation shall keep a journal of its proceedings, and shall keep regular and fair entries of all its pecuniary transactions, and a true and exact account of its receipts and disbursements in a book or books kept for that purpose; make to the Board of Directors of the said seminary a clear, full and true report of the transactions of the current year, or any part thereof, and of the whole state of the finances; and shall, whenever required, submit its journal and all books of account, securities and other papers and documents relating to the business of the corporation, to the examination of the Board of Directors of the said seminary, or of any person or persons appointed by the said board to make such examination.

SEC. 16. That the said corporation shall have power to take, receive, hold, possess and enjoy for the use of the said seminary, lands, messuages, tenements, stocks, rents, annuities, grants, gifts, hereditaments, and other estate, real and personal.

SEC. 17. This act shall be deemed and taken to be a public act, and shall be of force from and after the date of its passage.

(Signed) SAMUEL HOLMES,
Speaker of the House of Representatives.

JOHN WOOD,
Speaker of the Senate.

W. H. BISSELL.

Approved, February 16, 1857.

An act to amend an act, entitled "An act to incorporate the Presbyterian Theological Seminary of the Northwest," approved, February 16th, 1857.

Be it enacted by the people of the State of Illinois, represented in the General Assembly;

SECTION 1. That the transfer of the government of the said seminary by the said Synods, in the act of incorporation mentioned, to the General Assembly of the Presbyterian Church in the United States, and the amendments made by the General Assembly to the Constitution of said seminary, and the appointment of the Board of Directors and of the Board of Trustees, and all other by-laws, rules and regulations, and other acts and doings by the said Board of Directors and Trustees, be and the same are hereby satisfied and confirmed. The said General Assembly shall have and may exercise all the powers now or hereafter conferred upon it by the Constitution, as amended, or as it may hereafter be amended by said General Assembly; and all such amendments,

by-laws, rules and regulations, now or hereafter adopted, not repugnant to the laws of the land, shall have full force and effect.

SEC. 2. This act, and the act to which it is an amendment, shall be public acts; and, judicially noticed, shall be liberally construed; and all proceedings of the corporation, certified, under its seal, shall be received as evidence in all courts; and shall take effect from its passage.

Approved, February 20, 1861.

(Signed), SHELBY M. CULLOM,
Speaker of the House of Representatives.
FRANCIS A. HOFFMAN,
Speaker of the Senate.

3. Relations to the General Assembly.

3. The Board of Directors of the Northwestern Theological Seminary report . . . . "In regard to the relations of the seminary to the General Assembly, the Board, finding that there are legal points involved in this question which require careful investigation, referred the whole matter to a Committee, with instructions to report to the directors at their next annual meeting in April, 1872."—1871, p. 580.

The Report.

In regard to the relation of the seminary to the General Assembly, the Board have carefully considered the same; and with entire unanimity, and with the consent and approval of Mr. McCormick, have adopted a report and resolutions, not only approving of the principles of the request and suggestion of the Assembly, but embodying the necessary amendments to the Constitution in form, and requesting the Assembly to adopt them. The resolution and amendments are as follows, viz.:

The Committee on the relations of the seminary to the General Assembly presented their report, through the Hon. Samuel M. Moore, as follows:

Your Committee, to whom was referred the propriety of suggesting such amendments and changes of the Constitution of our seminary as may bring the same in harmony with the expressed views of the General Assembly of the Presbyterian Church in the United States of America, would report that they have considered the matter, and that they find no objections thereto. They understand that the generous and Christian-spirited donor of the only portion of our property and funds that is held subject to the continuance of the relations of the seminary to the General Assembly consents that the management and control may be transferred to the Board of Directors, the Assembly reserving the right to disapprove and forbid in certain matters. We believe the change will redound to the benefit and efficiency of the seminary.—1872, p. 125.

4. Answer of the McCormick Boards, 1895.

Board of Directors.

Resolved, That the Board of Directors recognizes with pleasure the close relations which this seminary must, under its Constitution and charter, sustain towards the General Assembly—relations which the seminary desires to maintain in their full integrity as to teaching and all other particulars, and yet, regretting the necessity of declining any request of the Assembly, in reply to the proposal of the General Assembly, does not think it advisable or expedient to make the changes in our charter proposed by the General Assembly. A. W. RINGLAND, *Secretary.*

Chicago, May 2, 1895. —1895, p. 161.

Board of Trustees.

In answer to your inquiry, I beg to say that inasmuch as the Board of Trustees of the McCormick Seminary is elected by the Board of Directors, we felt that the answer made by the directors would be sufficient for your Committee in making its report to the General Assembly.

We feel that our Constitution and charter already express the closest relation to the General Assembly, and that the funds and property for which we are trustees are amply safeguarded.

The resolution of the Board of Directors above quoted expresses the sentiment also of the Trustees. HENRY W. KING,

President of the Board of Trustees.

.—1895, p. 162.

5. Answer of the Board of Directors, 1896.

Whereas, During the year preceding the annual meeting of this Board, held in 1895, the fullest consideration was given to the proposals presented by the Committee from the General Assembly, looking toward a change in the Constitution and charter of this seminary, the result of which was the adoption by this Board of a resolution declaring it to be inexpedient and unadvisable to make the changes proposed; and the said Committee has again presented the request of the General Assembly for the changing of the charter of this institution upon the lines heretofore proposed; and

Whereas, The further consideration of the whole matter with the Committee of Conference has failed to bring forward any new light upon the main questions involved, which were exhaustively examined by this Board at its meeting in 1895, now, therefore, be it

Resolved, That the Board of Directors of McCormick Theological Seminary of the Presbyterian Church reaffirms in strongest terms its reverence for and loyalty to the Standards and to the General Assembly of the Presbyterian Church, and its sympathy in all efforts to promote purity of doctrine and teaching. Nevertheless this Board believes, and is so advised, by counsel learned in the law, that its relation to the General Assembly now carries out fully the spirit of the proposed changes; that the property and teaching are already safeguarded to the Presbyterian Church; that in view of the peculiarly close relations existing between the General Assembly and this seminary, by reason of the provisions already found in its Constitution and charter, any further changes, as proposed, are unwise and unnecessary, and this Board does not consider it expedient to make said changes.

Adopted by a vote of 18 for, 11 against.

Copy of order taken by the Board of Directors of McCormick Theological Seminary, May 7, 1896.—1896, p. 193.

6. Answer of the Board of Directors, 1897.

The communication from the General Assembly was fully considered by the directors of the McCormick Theological Seminary at their annual meeting, May 6, 1897, and the following communication to the General Assembly was adopted:

The General Assembly of 1896, having requested the theological seminaries to report their several attitudes toward the plan advised by the Assemblies of 1894 and 1895, for changing the charters of the seminaries,

the Board of Directors of McCormick Theological Seminary have again considered the matter and would respectfully submit the following:

The Board reiterates its loyalty to the Standards and to the General Assembly of our beloved Church, and its full sympathy with the endeavor to safeguard the property entrusted to the seminaries, and to insure their denominational faithfulness and the purity of their doctrinal teachings. The close relations and strict subordination of this seminary to the General Assembly, secured by the charter and the Constitution of this seminary, are entirely agreeable to this Board.

The charter and Constitution of this seminary substantially secure the end which the Assembly seeks, and are capable of being altered or amended only upon the approval of the Assembly. The elections of directors, and the elections or removals of professors, are subject to the veto of the Assembly. The teaching of the seminary has for its object, according to the Constitution, "To instruct candidates for the Gospel ministry in the knowledge of the Word of God . . . and of the doctrine, order and institutes of worship taught in the Scriptures, and summarily exhibited in the Constitution of the Presbyterian Church . . . . and to impart to them, as far as may be, the varied learning by which they may be furnished for its work."

The property of this seminary is already so fully safeguarded to the Presbyterian Church that, in the judgment of able jurists, the changes suggested would be wholly without advantage, and might be hazardous to the common interests of the Assembly and this seminary.

The relations between this seminary and the Assembly have for twenty-seven years been entirely harmonious and mutually helpful. The success of the existing method of supervision in the past, is its best guarantee for the future. The growth and prosperity of this institution have inspired many thanksgivings to God. Every director and every professor takes a solemn pledge to support the Constitution of the seminary and the Constitution of the Presbyterian Church.

It is the belief of this Board that the proposed changes would not be for the best interests of this seminary, nor promotive of future gifts to it. They would disturb rather than establish confidence, and raise doubt and distrust of their legal effect if they should be adopted.

While, therefore, the Board of Directors deeply regrets the necessity of declining any request of the General Assembly, it does not see its way clear to make the proposed changes in the charter of McCormick Seminary.

Adopted by unanimous vote.—1897, p. 109.

7. Answers of the Assembly.

[Note.—See in this *Digest*, No. 11, p. 420, and Nos. 12 and 13, p. 421.]

VIII. BLACKBURN UNIVERSITY.

[Note.—Located at Carlinville, Ill. See *Digest*, 1886, p. 396.]

The trustees of Blackburn University, at their annual meeting, held in June, 1871, adopted the plan recommended by the Assembly of 1870, by incorporating into the Constitution of the university the following section: "Whenever hereafter any person shall be elected by the trustees to fill any professorship in the theological department of the university, the trustees shall report their election to the next General Assembly of the Presbyterian Church in the United States; and if the

General Assembly at that meeting shall, by formal vote, refuse to approve of such election, then the person elected by the trustees shall cease to be a professor."

The institution was founded by Rev. Gideon Blackburn, D.D., who, in the year 1838, conveyed to a Board of Trustees several thousand acres of land, for the purpose of founding "an institution of learning, the object of which shall be to promote the general interests of education, and to qualify young men for the office of the Gospel ministry." The institution was located at Carlinville, Ill.

The trustees were incorporated in the year 1857 by the Legislature of Illinois, with the name of "The Blackburn Theological Seminary," and at about the same time an academic department was established. In A.D. 1867, the institution was organized as a university, and the following year its corporate name was changed by the Legislature to that of "Blackburn University." The Board consists of thirteen members, who must be residents of the State of Illinois. At least nine of this number must "be chosen from among persons who are regular members of the Presbyterian Church; and if any trustee thus chosen shall at any time cease to be a regular member of the Presbyterian Church, he shall, *ipso facto*, cease to be a trustee."

Every professor appointed in the theological department, also every professor in the collegiate department, whose professorship shall include mental or moral science or metaphysics, and also the president of the university, are required, before they can enter upon the duties of their office, to subscribe their names to the following declaration:

"I do hereby avow my sincere belief in the Bible as the Word of God, and in the system of doctrines contained in the Westminster Confession of Faith as the system which accords with the Word of God; and I do solemnly pledge myself, in all my duties as an instructor and officer in Blackburn University, never knowingly to teach anything in conflict with such system of doctrines."

Every other professor or instructor in any department is required also to affirm his "belief in the Bible as the Word of God."

Thus every department of instruction is secured from all danger from infidel teachings.

In view of these facts, your Committee gladly commend the Blackburn University to the Presbyterian Church, and recommend that it be recognized and reported as one of the institutions in connection with the General Assembly. Adopted.—1872, p. 65.

IX. SAN FRANCISCO THEOLOGICAL SEMINARY.

[NOTE.—Founded 1871. Located at San Anselmo, Cal.]

1. Revised Plan.

[NOTE.—As adopted by the Synod of the Pacific, October 6, 1890, and October 15, 1891.]

With an eye single to the glory of God, and the promotion of the Redeemer's kingdom upon earth, the Synod of the Pacific, in humble dependence on the patronage and blessing of the great Head of the Church, do make and ordain the following Constitution for the organization and government of an institution solely consecrated to the education of suitable men for the office and work of the Christian ministry, which shall be denominated "The San Francisco Theological Seminary."

Article I. Of the Synod.

1. As this institution originates with the Synod, so that body is to be considered at all times its patron and the fountain of its powers. The Synod shall, accordingly, appoint its directors, and its sanction shall be necessary to the validity of its laws, and the appointment of all professors.

2. The Synod shall choose a Board of Directors consisting of twelve ministers and twelve laymen, all of whom shall be in connection with the Presbyterian Church in the United States of America, and not less than eight of said laymen shall be ruling elders in said Church; by which the seminary shall be inspected and conducted. Of this number one-third, or four ministers and four laymen, shall be chosen annually, to continue in office three years.*

3. The Board of Directors shall have power to fill all vacancies, which may occur by death, resignation or otherwise, between the meetings of the Synod, and in the event of a failure on the part of the Synod to provide for vacancies occurring by expiration, the members of the Board whose terms shall have expired shall be regarded as their own successors, and they shall be classified accordingly.

4. The appointment of all professors of the seminary shall be subject to the approval of the Synod at the time of their appointment, if the Synod be then in session; otherwise at the next regular meeting of the Synod, subject to the requirement of the General Assembly (*Minutes* of 1870, p. 63).†

5. The Synod shall at all times have the power of adding to, altering or amending any of the Constitutional articles of the seminary; but in the exercise of this power, no such change shall be made unless proposed first at one meeting of the Synod, and then adopted at the meeting of the next year, except by a unanimous vote.

Article II. Of the Board of Directors.

1. The Board of Directors shall meet statedly twice in the year; at the close of the session of the seminary and just before the meeting of the Synod of the Pacific. Eleven members of the Board shall be a quorum.

2. The Board shall choose out of their own number a president, vice-president and secretary. The treasurer of the seminary shall be elected by the Board of Trustees, subject to confirmation by the Board of Directors.

3. The president of the Board, or in the event of his death, absence, resignation or inability to act, the vice-president shall, at the request of any six members, expressed to him in writing, call a special meeting of the Board of Directors, by a circular letter addressed to each member, in which letter notice shall be given not only of the time and place of meet-

* According to the conditions of the Ladd gift, at least one-fourth of the Directors shall be nominated for election by the Synod of the Columbia, to the Synod of the Pacific, and these Directors so nominated shall be members of the Synod of the Columbia, or of some church belonging to that Synod.

† According to the conditions of the Ladd gift, the directors representing the Synod of the Columbia have the exclusive right to nominate to the Board of Directors, the Professor for the Chair of Practical Theology, and his election is made subject to the approval of the Synod of the Columbia in addition to that of the Synod of the Pacific.

ing, but also of the specific business intended to be transacted at the meeting notified; and this letter shall be sent at least ten days before the time of said meeting.

4. The secretary of the Board shall keep accurate records of all proceedings of the directors, and it shall be his duty to lay these records, or a faithful transcript of them, before the Synod as often as they may be required by that body, for the free inspection of any and all of its members.

5. The Board of Directors may make rules and regulations for the performance of the duties assigned them, or for the preservation of order, not inconsistent with the provisions of this Plan, or the orders of the Synod.

6. The Board shall direct the professors of the seminary in regard to the subjects and topics on which they are severally to give instruction to the students so far as the same shall not be prescribed in this Plan, or by the orders of the Synod.

7. It shall be the duty of the Board of Directors to inaugurate the professors of the seminary, and to direct what forms shall be used, and what services performed on such occasions.

8. Every director previously to taking his seat as a member of the Board shall solemnly subscribe to the following formula, viz.: "Approving the Plan of the San Francisco Theological Seminary, I solemnly declare and promise, in the presence of God and of this Board, that I will faithfully endeavor to carry into effect all the articles and provisions of said Plan, and to promote the great design of the seminary."

9. The Board of Directors shall inspect the fidelity of the professors, especially in regard to the doctrines actually taught, and if, after due inquiry and examination, they shall judge that any professor is either unsound in faith, opposed to the fundamental principles of Presbyterian Church government, immoral in his conduct, unfaithful to his trust, or incompetent to the discharge of his duties, it shall be the duty of the Board to remove him and appoint another in his place, which transaction, together with the reasons for it, shall be duly reported to the Synod at the next meeting.

10. The Board of Directors, at their stated spring meeting, shall appoint what shall be known as "The Seminary Committee," consisting of three directors, who shall be charged with the actual oversight of the inside work of the institution; who shall have power, after consulting with the faculty, to approve or modify the distribution of time and work made by the professors themselves as provided for in Article iii, Section 8; who shall, from time to time, visit the classes and inspect the work of each department; who shall provide temporary instruction during the prolonged absence of any professor; who shall require of the clerk of the faculty a written bimonthly statement of the work done by each class and each professor for the two months previous, and who shall submit a report to the Board at the next spring meeting, and at such other times as may be desired by either the Committee or the Board.

11. It shall be the duty of the Board of Directors to watch over the conduct of the students; to redress grievances; to examine into the whole course of instruction and study in the seminary; and generally to superintend and endeavor to promote all its interests.

12. The Board of Directors shall make, in writing, a detailed and faithful report of the state of the seminary to the Synod at each annual

meeting; and they may, at the same time, recommend such measures for the advantage of the seminary as to them may seem proper.

13. The Board of Directors shall nominate and elect all professors, subject to the approval of the Synod and the Assembly, and shall make provision for instruction, when any chair is vacant.*

14. Ordinarily the professors shall be elected only at a stated meeting of the Board of Directors. When this is inexpedient, every candidate for any professorship shall be nominated at least one month before the election occurs, and the election shall in every case be by ballot.

15. At their first meeting, after the adjournment of the Synod of the Pacific, the Board of Directors shall elect five of their own number, not more than two of whom shall be trustees, as an Executive Committee, to whom shall be entrusted the general duty of executing the directions and managing the affairs of the Board *ad interim;* the powers of this Committee shall be limited by the action of the Board it is designed to represent. It shall in no case originate policies or exceed the functions of a mere Committee, and it shall submit a full report in writing to the Board at their stated meetings, and at any other time when so required by the Board.

Article III. Of the Professors.

1. The number of professors in the seminary shall be increased or diminished, as the Board of Directors may from time to time determine. But when the seminary shall be fully organized and completely equipped, there shall not be less than four professors.

2. No person shall be inducted into the office of professor of Exegetical or Systematic or Practical Theology but an ordained minister of the Gospel.

3. Every person elected to a professorship in this seminary shall, on being inaugurated, solemnly subscribe to the Confession of Faith, Catechisms, and forms of Church government of the Presbyterian Church, agreeably to the following formula, viz.: "In the presence of God and of the directors of this seminary, I do solemnly and *ex animo* adopt, receive, and subscribe the Confession of Faith, and Catechisms, of the Presbyterian Church in the United States of America, as the confession of my faith, and as containing the system of doctrine taught in the Holy Scriptures, and therein revealed by God to man for his salvation; and I do solemnly and *ex animo* profess to receive the form of government of the said Church as agreeable to the inspired oracles.

"And I do solemnly promise and engage, not to inculcate, teach nor insinuate anything which shall appear to contradict or contravene, either directly or impliedly, anything taught in the said Confession of Faith or Catechisms; nor to oppose any of the fundamental principles of Presbyterian Church government, while I shall continue a professor in this seminary."

4. The salaries of the professors shall be fixed by the Board of Directors.

5. The same person shall not be eligible to a professorship in the seminary and at the same time to membership in the Board of Directors.

6. Each professor shall lay before the Board of Directors, as soon as practicable after his appointment, a detailed exhibition of the system and method which he proposes to pursue, and the subjects which he proposes

* See Note 2, under Article i, Section 4.

to discuss in conducting the studies of the youth that shall come under his care; and in this system he shall make such alterations or additions as the Board shall direct; so that eventually the whole course through which the pupils shall be carried shall conform to that which the Board of Directors shall have approved and sanctioned, conformably to Article ii, Section 6, of this Plan. And as often as any professor shall think that variations and additions of importance may be advantageously introduced into his course of teaching, he shall submit the same to the Board of Directors, for their approbation or rejection.

7. Any professor intending to resign his office shall give at least one month's notice of such intention to the Board of Directors.

8. The professors of the institution shall be considered as a faculty. They shall meet at such seasons as they may judge proper. The faculty shall choose a clerk and keep accurate records of all their proceedings. The clerk of the faculty shall call a meeting whenever he shall deem it expedient, and whenever he shall be requested to do so by any other member. By the faculty, regularly convened, shall be determined the hours and seasons at which the classes shall attend the professors severally, so as to prevent interference and confusion, and to afford the pupils the best opportunities for improvement. The faculty shall attend to and decide on all cases of discipline, and all cases of order, as they shall arise. They shall agree on the rules of order, decorum and duty (not inconsistent with any provision in this Constitution, nor with any order of the Board of Directors), to which the students shall be subjected; and these they shall cause to be printed and a copy to be placed in the hands of each student (see Article ii, Section 10).

9. The faculty shall be empowered to receive students into the seminary, and to dismiss from the seminary any student who shall be immoral or disorderly in his conduct; or who may be, in their opinion, on any account whatsoever, a dangerous or unprofitable member of the institution.

Article IV. Of the Students.

1. Every student applying for admission to the theological seminary shall produce satisfactory testimonials that he possesses good, natural talents; and that he is of prudent and discreet deportment; that he is a member in full communion of some church; that he has passed through a regular course of academical study; or, wanting this, he shall submit himself to an examination upon the studies usually taught in such a course. And if he shall appear to the professors to be qualified to proceed with advantage in the studies of the seminary, he shall be admitted as a member of the institution; otherwise he shall be remanded to his academical studies, or advised to relinquish them altogether, with the view to the ministry, as shall seem best in the judgment of the faculty.

2. Every student before he takes his stand in the seminary shall be matriculated, by entering in a book, kept for that purpose, his name in full, age, place of residence, and place of previous study; and by subscribing the following declaration, viz.: "Deeply impressed with a sense of the importance of improving in knowledge, prudence and piety, in my preparation for the Gospel ministry, I solemnly promise, in a reliance on divine grace, that I will faithfully and diligently attend on all the instructions of this seminary, and that I will conscientiously and vigilantly observe all the rules adopted for its instruction and government, as

far as they relate to the students; and that I will obey all the lawful requisitions, and readily yield to all the wholesome admonitions of the professors and directors of the seminary, while I shall continue a member of it."

3. The students, during the sessions of the seminary, shall attend regularly upon the religious services of some one evangelical church as each student may select at the beginning of the session, and they shall engage in such useful labors in connection with the church whose services they attend as may meet the approval of the faculty and the pastor of the church.

Article V. Of the Studies.

[Omitted.]

Article VI. Of the Funds.

1. The Board of Directors shall elect at its first meeting, after the regular annual meeting of the Synod, from its own members, a Board of five Trustees, which shall become a body corporate to hold in trust the property and manage the finances of the seminary. These trustees shall make a report to the directors before the end of each Synodical year.

2. The Board of Directors shall, from time to time, adopt such plans as they may think proper for the improvement and increase of the funds, and make such appropriations of them for particular purposes as they may think necessary, not inconsistent with the terms and conditions of any devise or bequest which may hereafter be made to the seminary.

3. The trustees shall, through the proper officer, at any time and as often as required, lay before the Board of Directors an explicit statement in writing of the funds belonging to the seminary, of the several items that constitute that amount, together with the place and manner of their investment, and an accurate account of the income and expenditures in detail for the preceding year.

4. No money shall at any time or for any purpose be drawn from the funds except by order of the Board of Trustees, which order shall in every case be duly signed by the president and secretary of said Board, and that order when presented shall be the treasurer's sufficient voucher.

5. The intention and direction of testators or donors, in regard to moneys or other properties left or given to the seminary, shall, at all times, be sacredly regarded. And if any individual, or any number of individuals, not greater than three, shall by will, or during his or their lives, found or endow a professorship or professorships, a scholarship or scholarships, or a fund or funds, destined for special purposes, such professorship or professorships, scholarship or scholarships, fund or funds, shall forever afterwards be called and known by the name or names of those who founded or endowed them, or by such other name or names as they may designate; and if any congregation, Presbytery, or association shall found a professorship or professorships, a scholarship or scholarships, or fund or funds, such professorships or scholarships or funds shall forever afterwards be called and known by such names as the body founding them shall give.

The corporate name of the seminary is "The San Francisco Theological Seminary," to which may be added for more complete identity, "of the Presbyterian Church in the United States."

2. Action on the Assembly's Plan of 1894.

The Board of Directors of the San Francisco Theological Seminary, in answer to the request of the General Assembly of the Presbyterian Church in the U. S. A., respectfully represent:

1. That we are in hearty sympathy with the end aimed at by the General Assembly in its requests to the theological seminaries of the Church as presented in the action of said Assembly, set forth in the *Minutes* of its sessions for the years 1894 and 1895.

2. That earnestly desiring to comply with said requests, we, together with our Board of Directors, have placed the matter in the hands of our attorney, for his consideration and advice; and have received from him the following, which we present as part of this our answer, to wit:

To the Board of Trustees of the San Francisco Theological Seminary:

DEAR SIRS:—You have referred to me the resolutions adopted by the General Assembly of 1894, as set forth in its *Minutes* at pp. 65 and 66, and you have requested me to report to you what course is necessary to enable you to comply with these resolutions. I beg to submit the following reply:

The San Francisco Theological Seminary was incorporated under the general laws of California, on October 15, 1872, as "a corporation for religious and educational objects under the care and control of the Synod of the Pacific and the General Assembly of the Presbyterian Church in the United States of America." Its articles of incorporation fixed the number of its trustees as five, and the laws under which it was formed provide that these trustees shall "take into their possession and custody all temporalities of such corporation, whether the same was assessed for real or personal estate and whether given, granted or devised, directly or indirectly, to such corporation or to any person or persons for its use, and in the name of such corporation may sue and be sued, may recover and hold all the debts, demands, rights and privileges, all the churches, houses, schoolhouses, hospitals, or other buildings, all the estate and appurtenances belonging to all houses and buildings that are necessary to carry out the objects of the corporation, and perform all duties imposed upon them by the regulations, rules or discipline of such organization."

Under the rules of the seminary, the five trustees constituting this governing Board are elected annually out of and by a constituent body of twenty-four persons who are delegated for the purpose by the Synods of California and Oregon (the successors of the former Synod of the Pacific). This constituent body is known as the Board of Directors of the seminary, and its members serve for three years, one-third of the Board being appointed each year. The Synod of California appoints three-fourths of these directors, and the Synod of Oregon appoints the remaining one fourth. Although designated as directors, the Board of twenty-four individuals really exercise the functions of ordinary members or stockholders of a corporation. They may recommend or direct the action of the trustees, but cannot compel or coerce them except by electing their successors or by limiting their powers. The Synods of California and of Oregon have no direct authority over the seminary beyond the power of appointment of the directors. Your corporation so organized has received large donations of lands and money upon trusts for its purposes as a Presbyterian Theological Seminary. It administers all these trusts through its Board of Trustees and has none but trust

property. The General Assembly requests (its *Minutes*, 1894, pp. 65 and 66):

(*a*) That subject to existing trusts the funds and property of the seminary shall be held in trust solely for the purpose of theological education in the doctrines set forth in the Standards of the Presbyterian Church in the United States of America.

(*b*), (*c*) That a veto power shall be given it over all elections of directors and appointments of professors and teachers.

(*d*) That in the event of violation of such trusts or disregard of such veto, the General Assembly shall be empowered to "provide against such violation of said charters and for the enforcement of the same and for the protection of the trusts under which said property and funds are held, in such manner and in the name of such person or corporation as it may direct, by resolution certified by its clerk, in any civil court having jurisdiction," etc.

As to subdivision (*a*) of these resolutions, your property is all held by you under trusts which you are unable to modify or alter. If those trusts correspond with the requirements of the General Assembly (and I believe all of yours do) they need not be changed; and if they do not so correspond, you cannot change them.

As to subdivisions (*b*) and (*c*), I can see no effective way of surrendering to the General Assembly the electoral powers of the Board of Directors and the business controlled and executed by the Board of Trustees in the sense required by these resolutions. Inasmuch as your charter declares that your corporation is under the control of the Synod of the Pacific and of the General Assembly, no doubt, in some manner, the General Assembly could be given a share in the election of the constituent body known as the Board of Directors, who are at present appointed annually by the Synods of California and Oregon. In that way the General Assembly might lawfuly exercise an indirect control, but these resolutions require a practical abdication of all corporate functions by the seminary, and the substitution of the General Assembly in the place of the corporate authorities as at present constituted. I do not believe that this can be done in any manner, and there is great danger that any attempt to do it would result in a forfeiture of your corporate franchises, imperiling your various trusts. No doubt the wishes of the General Assembly will always be respected and followed by your corporation in the matters referred to in these resolutions, but I know of no way consistent with the statutes of California to vest in the General Assembly the powers which it seeks.

(*d*) This portion of the resolution is merely a corollary to the requirements of (*a*), (*b*) and (*c*), and has been substantially answered in considering them.

The performance of the trusts for the benefit of the Presbyterian Church and for theological education in Presbyterian tenets can, no doubt, be enforced in the several courts by the General Assembly or by the Synods.

The language of resolution (*d*) is so uncertain that I find it difficult to determine just what is desired. I see no way by which you can create an interest in the trusts which you hold in favor of the General Assembly. First, because you cannot modify or alter the terms of those trusts; and, second, because the General Assembly itself is a transitory body changing each year, having no permanent existence and not capable

apparently of acquiring or holding property rights. The resolution implies this in the suggestion that the right shall be conferred upon such persons or corporations as the General Assembly may by resolution direct, but it seems evident that in creating the right or transferring it by yourselves, the recipient must be designated and must be capable of taking.

I am forced to the conclusion, therefore, that you cannot legally comply with any of these resolutions of the General Assembly. I remain, dear sirs, faithfully yours, CHARLES P. EELLS.

April 24, 1896.

3. That sincerely regretting that the things desired by the Assembly have not been presented in such form as to harmonize with the laws of the State of California, under which we are incorporated, we desire to assure the Assembly of our readiness to do anything in our power which may be deemed necessary for the removal of any possible doubt as to the perpetual security of the funds of our seminary to our beloved Presbyterian Church.

Approved by the Board of Directors, and respectfully submitted as their answer to the General Assembly's Committee on Theological Seminaries.—1896, pp. 194–196.

X. GERMAN PRESBYTERIAN THEOLOGICAL SCHOOL OF THE NORTHWEST.

[NOTE.—Located at Dubuque, Iowa. Organized 1852, and taken under care of the Church in 1864.]

1. Articles of incorporation.

Article I.

This corporation shall be known and designated in law by the corporate name of the German Presbyterian Theological School of the Northwest.

Article II.

The object of this incorporation is, and shall be, the instruction and training of young men in a course of mathematical, classical, scientific, literary and theological studies, for the purpose of qualifying them for preaching, in the German language, the Gospel, as contained in the Holy Scriptures, and as set forth in the Confession of the Presbyterian Church in the United States of America; which course shall embrace academical, collegiate and theological studies; *Provided*, That, if in the judgment of the General Assembly of the Presbyterian Church in the United States of America, the time shall have come when there shall be no need of the preparation of students for a distinctively German ministry, then this corporation may be charged with the continuance of a general educational work, under the supervision of the said General Assembly.

Article III.

The business of the corporation shall be managed by a Board of twenty-four directors, who shall be members of the Presbyterian Church in the United States of America, who shall be divided into three classes of eight each. The term of office of one class shall expire at the close of the regular annual meeting in each year, and until their successors are elected the following persons shall constitute the said Board of Directors, to wit: (Names omitted.)

Article IV.

At every regular annual meeting of the Board of Directors such Board shall select the successors of the class whose terms expire at the close of such meeting, and shall also, at any meeting, elect successors to such directors whose seats shall have become vacant by resignation or death, or by ceasing to be a member of the Presbyterian Church in the United States of America. The election of such directors shall, however, be subject to the approval of the

next succeeding General Assembly of the Presbyterian Church in the United States of America, and no election, except to fill a vacancy caused by death, or resignation of a director, or his ceasing to be a member of the Presbyterian Church, shall take effect until so approved by the General Assembly; failure of the General Assembly to which said elections are reported for approval to act thereon shall be regarded as approval of said elections.

Article V.

The said Board of Directors shall always be subject to the direction, review and control of the General Assembly of the Presbyterian Church in the United States of America. The election, appointment or transfer of all professors and teachers shall be submitted to the succeeding General Assembly for its approval, and no such election, appointment or transfer shall take effect, nor shall any professor or teacher be inducted into office, until his election, appointment or transfer shall have been approved by the said General Assembly; failure of the General Assembly to which the said election, appointment or transfer is reported for approval to act thereon shall be regarded as approval thereof. No one shall be eligible to the position of professor or teacher who is not either a minister or a member in good and regular standing of the Presbyterian Church in the United States of America.

Article VI.

The corporation shall hold all of its funds and property subject to the terms of existing or specified trusts, in trust for the Presbyterian Church in the United States of America, for the object and purposes set forth in these articles of incorporation, to wit: the academical, collegiate and theological education of young men for the ministry of the said Presbyterian Church, and no part of the funds and property so held shall be used for any other purpose; and the theological education shall be in accordance with the doctrines set forth in the Standards of the Presbyterian Church in the United States of America; and the said Board of Directors shall have full power and authority to encumber and convey the real estate of said corporation; and shall have the charge and management of all its property in furtherance of the objects of their corporation; and are charged with the administration of its affairs, in all its interests and objects, subject to the supervision, direction and authority of the General Assembly aforesaid.

Article VII.

The Board of Directors may appoint an Executive Committee consisting of such number of persons as they see fit, a majority of whom shall be members of the Board of Directors; and may authorize such committee to perform such duties as the Board are charged with, during the time the Board is not in session. But such committee shall not have power to sell or encumber the real estate of the corporation, nor to contract any debt, except for the current expenses, or for repairs of the buildings or grounds, unless authorized by the Board.

Article VIII.

Whenever it shall be expedient to the Board to do so, they are authorized to establish an academical or collegiate department, which shall be distinct and separate from the theological; and provide for the investment of funds donated or raised for the support of each department separately.

Article IX.

All funds or property which shall be contributed to this corporation by gift, bequest or devise shall be kept as trust funds inviolate during the existence of this corporation. And in case of dissolution of this corporation for any reason, all property of any kind, including funds held in trust by it, shall be transferred to the Board of Education of the Presbyterian Church in the United States of America, to be held by it in trust as part of its permanent funds, and the annual income accruing therefrom to be used in the discretion of the Board in the education of theological students, preference being given to the students of German birth or parentage.

Article X.

The members, directors or officers of this incorporation shall not be liable for its corporate debts. But in the event of the violation of any of the terms of these articles of incorporation, or the misuse or diversion of the funds or property held by the directors, then the General Assembly of the Presbyterian Church in the United States of America shall be empowered to provide against such violation of the provisions of these articles of incorporation, and for the enforcement of the same, and for the protection of the trusts on which said property and funds are held, in the name of such person or corporation, as it may direct by resolution, certified by its clerk, in any civil court having jurisdiction over this corporation.

Article XI.

The said school established under the former corporate name shall continue to be established and located at the city of Dubuque, county of Dubuque, State of Iowa.

Article XII.

The regular annual meeting of the Board of Directors shall be held on the last Wednesday of April in each year until a different day be fixed by the Board of Directors. Seven directors shall constitute a quorum for the transaction of business.

Article XIII.

This incorporation shall be a reincorporation of the German Theological School of the Presbyterian Church of the Northwest, and shall continue fifty years unless sooner dissolved by action of the Board of Directors and the consent of the General Assembly aforesaid.

I, William Graham, Secretary of the German Presbyterian Theological School of the Northwest, do hereby certify that the foregoing articles of reincorporation of the German Presbyterian Theological School of the Northwest were adopted at the regular annual meeting of the directors of said school, held in the city of Dubuque, on the 29th day of April, A.D. 1896, and are hereby submitted to the General Assembly of the Presbyterian Church in the United States of America for approval.

Witness my hand this 14th day of May, A.D. 1896.

WILLIAM GRAHAM, *Secretary*.

2. Action on the Assembly's Plan of 1894.

It was unanimously resolved by the Board of Directors at a meeting held April 25, 1895, that the recommendations of the Assembly be adopted without change.—1895, p. 162.

XI. GERMAN THEOLOGICAL SCHOOL OF NEWARK, N. J.

[NOTE.—Located at Bloomfield, N. J. Founded 1869; incorporated 1871.]

1. The charter.

An act to incorporate the German Theological School of Newark, N. J.

1. Be it enacted, by the Senate and General Assembly of the State of New Jersey, That Jonathan F. Stearns, Joseph Fewsmith, Charles A. Smith, George C. Seibert, Charles E. Knox, Thomas N. McCarter, F. Wolcott Jackson, William F. Van Wagenen and Philip Doremus, and their successors, are hereby constituted a body corporate and politic in fact and in name by the name of "The German Theological School of Newark, New Jersey," and by that name shall have succession and be capable in law of taking and holding by gift, grant, devise, or otherwise, and of holding and conveying both in law and in equity, any real or personal estate, and may have a common seal and change the same at pleasure.

2. And be it enacted, That the government of the said corporation shall be vested in a Board of Directors, which shall consist of nine members, five of whom shall be clergymen and four laymen, the corporators above named

shall be the first Board of Directors of said corporation, and shall be divided into three classes, to be numbered one, two and three; the term of the first shall expire in one, the second in two, and the third in three years from the first day of May last. Joseph Fewsmith, Charles E. Knox and Thomas N. McCarter shall compose the first class; Charles A. Smith, William F. Van Wagenen and Philip Doremus shall compose the second class, and Jonathan F. Stearns, George C. Seibert and F. Wolcott Jackson shall compose the third class; each class of directors shall hereafter be chosen for and hold their office during three years, and until a new election to supply the place of such class.

3. And be it enacted, That the Presbytery of Newark may annually hereafter elect, at its stated spring meeting, three directors of said corporation to supply the place of the class which shall expire in that year, and shall also have power to fill any vacancy that may have happened by death, resignation or otherwise, in any other class, such election to be held in such manner as the said Presbytery of Newark shall direct; and any such election shall be subject to review by the next General Assembly of the Presbyterian Church in the United States of America; and in case the said General Assembly shall disapprove of such election, the offices of director or directors disapproved of shall thereupon become vacant; the Board of Directors shall also have power to fill all vacancies in their own Board, which may happen from year to year, and such appointments shall be valid until the first day of May then next following, or until the election of a successor by the Presbytery as aforesaid.

4. And be it enacted, That the said directors and their successors shall have the management and care of the estate both real and personal of said corporation, and shall have power to sell or otherwise dispose of the same in their discretion for the purpose of advancing the objects of said school, and shall also have power to adopt a constitution and all necessary by-laws and ordinances for the management and government of said school; *Provided*, The same be not in conflict with the laws and Constitution of this State or of the United States.

5. And be it enacted, That whenever, from a cessation of German immigration or from any other cause, it may be deemed inexpedient longer to maintain said institution as a distinctive German theological school, it shall be lawful for the directors, with the approval of the Presbytery of Newark and of the General Assembly of the Presbyterian Church in the United States, to use the property and funds of said corporation for any other branch of theological education or transfer its property and funds or any part thereof to any other theological seminary; and in case of such transfer of all the property of said corporation to another seminary or seminaries, the corporate power hereby granted shall cease, and said corporation shall be thereby dissolved.

6. And be it enacted, That this act shall be deemed a public act, and shall go into effect immediately.

Approved, February 2, 1871.

2. The supplement to the charter.

A supplement to the act entitled "An act to incorporate the German Theological School of Newark, New Jersey," approved February second, one thousand eight hundred and seventy-one.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That it shall be lawful for the Presbytery of Newark, on the recommendation of the Board of Directors of the German Theological School of Newark, New Jersey, to increase from time to time the number of the directors of said corporation, to any number not exceeding twenty-five in all; and whenever any such increase shall be made, it shall be so made that one-half of said additional directors shall be clergymen and one-half laymen, and said directors shall be elected at the time and in the manner directed by the act to which this is a supplement, for the election of Directors; and when so elected said additional Directors shall be added to the existing classes in said Board as the said Presbytery may direct, but in such manner as to maintain, as nearly as may be, equality among the several classes; and when so classified, said additional directors shall respectively hold their offices for the term of the class to which they may be respectively assigned.

2 And be it enacted, That this act shall take effect immediately.

Approved, March 26, 1873.

3. Constitution.

Article I. The Presbytery.

The directors, in accordance with the action of the Presbytery of Newark, requiring a report to the Presbytery "at each of its stated meetings," shall make their report at the stated spring meeting in a form for transmission to the General Assembly, containing the financial statement for the year; and at the stated meeting in the autumn, they shall make the general annual report of the seminary.

Article II. The Directors.

1. The Board of Directors of the German Theological School shall be annually elected by the Presbytery of Newark, and this election of the Presbytery, as well as any election to vacancy by death, resignation or otherwise, shall be held valid unless disapproved by the General Assembly.

2. No person shall be eligible to the office of Director unless he be a minister or member in good standing, of some evangelical church, receiving the Westminster Confession of Faith, as adopted by the Presbyterian Churches in this country.

3. Every director on entering upon his office, and also after each reëlection, shall make the following declaration in the presence of the Board, viz.:

Approving of the plan and Constitution of the German Theological School of Newark and of the Westminster Confession of Faith and the Presbyterian form of Church government, I do solemnly promise to maintain the same, so long as I shall continue to be a member of the Board of Directors.

4. In order to carry out the powers vested in them by the act of incorporation, the Board of Directors shall have authority to make their own by-laws; hold, manage and disburse the funds of the seminary, appoint all officers, professors and teachers; fix their salaries; make laws for the government of the institution; determine their duties; and in general to adopt all such measures not inconsistent with the provisions of the said act and of this Constitution, as the interests of this school may require.

5. The Board shall inaugurate the professors or any officers of the seminary, in such manner as they may deem expedient, shall watch over the fidelity of all who may be employed in giving instruction; shall judge of their competency, doctrine and morals; and shall have power, on sufficient evidence that the interests of the seminary so require, to remove any officer, professor or teacher from office. The Board shall also exercise a fraternal supervision over the whole seminary, and shall inspect the discipline of the faculty over the students.

6. The appointment of professors shall be valid until disapproved by the General Assembly.

7. Five members, at any meeting of the Board regularly convened, shall be a quorum for the transaction of all ordinary business; but the purchase and conveyance of real estate, the appointment and removal of any member of the faculty or permanent teacher and the fixing of their salaries shall require an affirmative vote of not less than seven.

8. The Board shall annually elect from its own number, and so often as may be necessary, a president of the Board, a vice-president, a secretary and a treasurer, who shall hold their offices until others are elected, and whose duties shall be prescribed in the by-laws. The treasurer, when required, shall give his bond, with securities satisfactory to the Board for the faithful performance of his duties.

9. The Board shall also annually appoint from their own number, four standing committees, viz., a Committee on Instruction, a Committee on the Seminary Buildings, a Committee on Finance and an Auditing Committee. The duties of these committees shall be fully defined in the by-laws.

10. The Board shall hold at least four stated meetings in each year; and may meet as often on their own adjournment or at the call of the presiding officer as may be deemed expedient.

Article III. The Faculty.

1. The faculty shall consist of the president, professors and permanent instructors of the school, who shall be ordained ministers of the Gospel.

2. Every member of the faculty shall, on entering upon his office and trien-

nially thereafter or when required by the Board, so long as he remains in office, make and subscribe the following declaration in the presence of the Board, viz.:

I believe the Scriptures of the Old and New Testament to be the Word of God, the only infallible rule of faith and practice; and I do now, in the presence of God and the directors of this seminary, solemnly and sincerely receive and adopt the Westminster Confession of Faith, as containing the system of doctrine taught in the Holy Scriptures. I do also, in like manner, approve of the Presbyterian Form of Government, and I do solemnly promise that I will not teach or inculcate anything which shall be subversive of the said system of doctrine, or of the principles of said Form of Government, so long as I shall continue to be a professor or instructor in this institution.

3. If any professor or instructor shall refuse, at the stated time, to repeat the above declaration, he shall forthwith cease to be a professor or instructor in the institution.

4. The faculty shall have the immediate care and inspection of the students and shall execute the laws of the school, subject to the advice and control of the Board of Directors. They shall, in connection with the Committee on Instruction, admit and dismiss students, discipline the disorderly, determine the daily duties of the students, and exercise a fraternal care over all the members of the school.

5. The faculty shall fix the time and manner of their own meetings, keep a fair record of their proceedings and exhibit the same to the Board of Directors whenever required; and whenever required shall present to the Board a written report of the condition of the several departments.

6. Any member of the faculty intending to resign his office, shall give in writing at least three months' notice of such intention to the Board of Directors, which notice shall be duly entered upon their minutes.

Article IV. Instruction.

[Omitted.]

Article V. The Students.

1. This Theological School shall be open for the admission of students of the requisite qualifications from every denomination of Christians.

2. No student shall be matriculated unless he present, on examination, satisfactory evidence of a truly regenerate life, and in ordinary cases of his good standing in some Christian Church.

3. At his matriculation every student shall make and subscribe the following declaration, in the presence of the faculty, viz.:

Deeply impressed with a sense of my duty to God and to this Theological School, I do solemnly declare my intention of pursuing a full course of theological study, and I do promise, so long as I shall remain a member of this institution, to attend faithfully to all the duties and instructions of the regular course, to observe all the laws, to yield ready obedience to the requisitions of the faculty and the Board of Directors, and to observe and do, according to my best knowledge, all other things pertaining to my situation as a student of theology.

Article VI. The Library.

1. The librarian shall be appointed by the Board of Directors. He shall have the care of the library and the library rooms, and shall report annually to the Board of Directors.

2. The rules for the safe keeping and management of the library shall be prepared by the librarian, with the advice of the faculty, and shall be subject to the approval of the Board of Directors.

Article VII. Scholarships.

Any person or persons who shall pay into the treasury, or bequeath by will, the sum of two thousand dollars or more, for the purpose of founding a scholarship shall have the privilege not only of naming such scholarship, but also of nominating, during his or their life-time, the beneficiaries who are placed upon said foundation.

Article VIII. Donations and Endowments.

All devises, subscriptions and donations to the funds of this school shall be sacredly considered as made to uphold and teach the doctrinal basis contained in the Constitution of the Presbyterian Church in the United States of America.

Article IX. Amendments to the Constitution.

1. The Board of Directors shall have power at any meeting regularly convened, to make any amendments to this Constitution not inconsistent with the acts of incorporation or with the Constitution of the Presbyterian Church of the United States of America; *Provided*, The said amendments shall have been proposed at a previous meeting and shall be passed by an affirmative vote of not less than two-thirds of the members of the Board.

2. All articles of the previous Constitution not embodied in the present Constitution are hereby abrogated.

4. Action on the Assembly's Plan of 1894.

After the conference meeting between the Committee of the General Assembly and the directors of the German Theological School of Newark, held April 9, the Board considered the subject of the conference for two hours, and postponed action to the stated meeting of the Board held yesterday, when the following resolution was adopted: "This Board, having duly considered the arguments so admirably presented by the General Assembly's Committee, would respectfully report that it does not see its way clear to accept the changes proposed."—1895, p. 162. Repeated, 1897, p. 109.

XII. LINCOLN UNIVERSITY.

[NOTE.—P. O., Lincoln University, Pa. Originally founded as "Ashmun Institute," in 1854. Its Theological Department was placed in 1871 under the care of the General Assembly.]

1. The charter.

An act to incorporate the Ashmun Institute.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That there shall be and hereby is established at or near a place called Hinsonville, in the county of Chester, an institution of learning for the scientific, classical and theological education of colored youth of the male sex, by the name, style and title of the "Ashmun Institute," under the care and direction of a Board of Trustees, not exceeding nine in number, who, with their successors in office, shall be and hereby are declared to be one body politic and corporate, in deed and in law, to be known by the name, style and title of the "Ashmun Institute," and by the same shall have perpetual succession, and shall be able to sue and be sued, to plead and be impleaded in all courts of law and equity, and shall be capable in law and equity to take, hold and purchase for the use and benefit of said institute, lands, goods, chattels and moneys of any kind whatever, by gift, grant, conveyance, devise or bequest from any person or persons whomsoever capable of making the same, and the same from time to time to sell, convey, mortgage or dispose of for the use and benefit of said institute, and they shall have power to have a common seal; to erect such buildings as may be necessary for the purposes of said institute, and to provide libraries, apparatus and all other needful means of imparting a full and thorough course of instruction in any or all the departments of science, literature, the liberal arts, classics, and theology, and to do all and singular the matters and things for the purposes of this act, which any corporation or body politic may or can do for the well being of said institute, and for the due management and ordering of the affairs thereof, which may not be contrary to the Constitution and laws of this State or of the United States; *And Provided*, That the clear yearly value and income of said estates shall not exceed in value the sum of six thousand dollars.

SEC. 2. That for the present the trustees of the said institute shall be John M. Dickey, Alfred Hamilton, Robert P. Du Bois, James Latta, John B. Spottswood, James M. Crowell, Samuel J. Dickey, John M. Kelton and William

Wilson, who, or any five of them, on and after the passage of this act, shall have power to organize the said Board of Trustees, and after such organization, three members of the said Board shall constitute a quorum to do business at any meeting called in due form according to the by-laws established by the said Board.

SEC. 3. That the Board of Trustees aforesaid, at the meeting in which they are organized, shall arrange themselves in three classes of three each by lot, of which classes the first shall serve one year, the second shall serve two years, and the third shall serve three years; when vacancies occur, and ever afterwards, they shall be filled by persons elected by the Presbytery of New Castle, who shall choose three trustees annually to serve for three years, as well as fill all vacancies made by death, resignation or otherwise; *Provided, however*, That if the said Presbytery shall at any time fail to elect successors to those whose term of office has expired, the same shall continue to act as members of the Board until others shall have been chosen in their place.

SEC. 4. That the Board of Trustees, under the general instructions from the Presbytery of Newcastle, shall have power to purchase, put up or procure suitable buildings and improvements only as they may have the necessary means, in no case ever involving the said Presbytery in pecuniary obligations; they shall have power to appoint and remove the necessary professors and teachers, and name their salaries; to establish rules and regulations for the government of the institution; to appoint such officers and agents for their own body as may be deemed expedient, and to adopt and establish their own by-laws and regulations; *Provided*, That none of the said by-laws and regulations shall extend to an alienation of the lands and tenements or other capital stock of the institute, or to a dissolution thereof, except by the consent of the said Presbytery; they shall have power to procure the endowment of the institute, not exceeding the sum of one hundred thousand dollars, and when required by the aforesaid Presbytery, they shall report to it the state of the institute, the state of the funds, and of all the interests committed to their trust.

SEC. 5. That the trustees shall have power to confer such literary degrees and academic honors as are usually granted by colleges upon such pupils as shall have completed in a satisfactory manner the prescribed course of study.

SEC. 6. That the trustees shall faithfully appropriate all moneys and other effects that may come into their hands for the sole benefit of the said institution, nor shall any bequest or donation made to and accepted by the said Board for specific educational objects ever be diverted from the purposes designated by the donor.

SEC. 7. That the institute shall be open to the admission of colored pupils of the male sex of all religious denominations, who exhibit a fair moral character, and are willing to yield a ready obedience to the general regulations prescribed for the conduct of the pupils and the government of the institution.

SEC. 8. That no misnomer of said corporation shall defeat or annul any gift, grant, devise or bequest to or from the said corporation; *Provided*, That the intent of the parties shall sufficiently appear upon the face of the gift, will or writing whereby any estate or interest was intended to be passed to or from said corporation.

E. B. CHASE,
Speaker of the House of Representatives.

M. MCCASLIN,
Speaker of the Senate.

Approved, the twenty-ninth day of April, one thousand eight hundred and fifty-four.

WM. BIGLER.

2. Supplements to the charter.

A supplement to an act to incorporate the Ashmun Institute, approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and fifty-four, changing the name of said institute, enlarging the Board of Trustees, increasing their right to hold property, and authorizing the conferring of degrees.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the name, style and title of the Ashmun Institute shall be changed to that of the Lincoln University.

SEC. 2. That the Presbytery of New Castle shall, at their next meeting, elect a Board of Trustees, consisting of twenty one members, five of whom shall constitute a quorum; which Board, at the meeting at which they shall organize, shall arrange themselves in three classes, of seven each, by lot, of which classes the first shall serve one year, the second shall serve two years, and the third shall serve three years, when vacancies occur, and ever afterwards they shall be filled by persons elected by said Presbytery, who shall choose seven trustees, annually, to serve for three years, as well as fill all vacancies made by death, resignation, or otherwise; *Provided*, That if the said Presbytery shall, at any time, fail to elect successors to those whose term of office has expired, the members of the said Board, continuing in office, shall elect proper persons to succeed those whose term of office has expired.

SEC. 3. That the said corporation, or their successors, by the name, style and title aforesaid, shall be able and capable in law and equity, to take and hold, for themselves and their successors, for the use and objects of said corporation, lands, tenements, goods and chattels, of whatever kind, nature and quality, real, personal and mixed, which now is or shall hereafter become the property of said corporation, by gift, grant, bargain, sale, conveyance, demise, bequest, or otherwise, from any person, or persons, whatsoever, capable of making the same, and the same to grant, bargain, sell, or otherwise dispose of, for the use of said university; *Provided*, That the yearly value, or income, of said estate shall not, at any time, exceed thirty thousand dollars.

SEC. 4. That the trustees of said university shall have full power to confer all such literary degrees and academic honors and titles, as are usually conferred by university corporations.

JAMES R. KELLEY,
Speaker of the House of Representatives.
DAVID FLEMING,
Speaker of the Senate.

Approved, the fourth day of April, Anno Domini one thousand eight hundred and sixty-six.

A. G. CURTIN.

A supplement to an act to incorporate the Ashmun Institute.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the charter of Ashmun Institute, approved the twenty-ninth day of April, one thousand eight hundred and fifty-four, and of the supplement approved the fourth day of April, one thousand eight hundred and sixty-six, as refers to the supervision of the Presbytery of New Castle in the affairs of the said Ashmun Institute, now known by the corporate title of Lincoln University, be and the same is hereby repealed; and all powers and authority in the affairs of Lincoln University, heretofore held by the Presbytery of New Castle, be and is hereby conferred upon the Board of Trustees of said Lincoln University; and that the term of office of members of said Board, to be hereafter elected, be extended from three to seven years, and that three trustees be elected each year by the Board, at their annual meeting; and in case of the failure of the Board to elect trustees, the existing members shall continue in office until their successors shall be elected; and that hereafter the General Assembly of the Presbyterian Church in the United States shall hold a veto power in the election of professors in the theological department in the said Lincoln University.

JAMES H. WEBB,
Speaker of the House of Representatives.
WILLIAM A. WALLACE,
Speaker of the Senate.

Approved, the eighteenth day of February, Anno Domini one thousand eight hundred and seventy-one.

JOHN W. GEARY.

The above is a certified copy of the charter of Lincoln University and its amendments made June 12, 1889, by

CHARLES W. STONE,
Secretary of Commonwealth of Pennsylvania.

Amendments, 1897.

[NOTE.—A certified copy of the changes in the charter of Lincoln University made in 1897 is not in hand. The changes in relation to the Assembly's powers are given on this page, sub-head c.]

3. Action on the Assembly's plan of 1894.

a. *Resolved*, 1. Therefore, in view of the unique character of our institution and the fact that our funds are held largely in undivided interests, we do not see our way clear to take steps in the direction indicated by the General Assembly in respect to finances.

2. As the right of the Assembly to veto the election of professors is provided for by our charter, we profoundly believe that the rights of the Assembly are at present secured. We understand the Assembly's right to cover all transfers and appointments as well as original elections.

3. We are perfectly willing for the time to come to declare a trust to be held for the Presbyterian Church in case of all funds for theological education when donors so designate.—1895, p. 163.

b. The trustees of this institution took the following action:

Resolved, 1. We are perfectly willing for the future to declare a trust to be held for the Presbyterian Church, U. S. A., in case of all funds for theological education when donors do not otherwise designate.

2. That in the event of the violation of any of the terms of said amendments, or misuse or diversion of the funds or property held by us, then the General Assembly shall be empowered to provide against such violation of the provisions of said charter and for the enforcement of the same and for the protection of the trusts on which said property and funds are held, in such manner and in the name of such persons or corporation as it may direct by resolution certified by its Clerk in any civil court having jurisdiction over the corporation whose charters are so amended.

A Committee was appointed to take legal advice and formulate changes in the charter according to the above action, to be acted upon at our meeting in June.—1896, p. 193.

c. *Amendments, 1897.*—That the General Assembly of the Presbyterian Church in the United States of America shall hold a veto power in the election of professors in the theological department in the said Lincoln University. That nothing shall be done or taught in the theological department of said institution contrary to the Constitution and government of the Presbyterian Church in the United States of America. That all property and funds of whatever kind henceforth given to said institution for theological education therein shall be held by said corporation in trust for the said the Presbyterian Church in the United States of America, for the purpose of theological education in said institution, unless the donors of said property or funds shall designate otherwise.

And that in the event of the violation of any of the terms of these amendments, or of the misuse or diversion by said corporation of the property or funds so held in trust, then the General Assembly of said Church shall have power to enforce the same and to protect the trust on which such property and funds are held, in any civil court having jurisdiction over said corporation, in such manner and in the name of such person or corporation as the said General Assembly may by resolution direct.—1897, p. 210.

XIII. BIDDLE UNIVERSITY.

[NOTE.—Located at Charlotte, N. C. Established in 1868.]

1. Charter.

An act to incorporate the Biddle University.

Whereas, It is desirable to encourage and promote useful knowledge among the freedmen; and

Whereas, An institution of learning for their benefit has been established near the city of Charlotte, in the county of Mecklenburg, by the Presbyterian Church in the United States of America, under a charter granted in pursuance of Sections fourteen and fifteen, of Chapter twenty-six, of the Revised Code of North Carolina, said institution being known and designated in said charter as Biddle Memorial Institute; and

Whereas, For a more efficient organization of the same, it is desirable to have a charter from the General Assembly of North Carolina; therefore,

SECTION 1. The General Assembly of North Carolina do enact, That Luke Dorland, Amos S. Billingsley, Willard Richardson, S. Loomis, J. H. Shedd, D. J. Sanders, James Allison, James B. Lyon, John C. McComb, R. S. Davis, E. Nye Hutchison, Rufus Barringer, W. R. Coles, and their successors in office, duly elected and appointed as hereinafter provided, be, and they are, hereby declared, a body politic and corporate, in law and in fact, to have perpetual succession by the name and style of the Biddle University, and by that name and style shall have perpetual succession, and shall forever be capable in law to take, receive and hold all manner of lands, tenements, rents, annuities, and other hereditaments which at any time or times heretofore have been granted, bargained, sold, released, devised, or otherwise conveyed to said corporation; and the same lands, rents, annuities, and other hereditaments are hereby vested in the said corporation forever; also that the said corporation, at all times hereafter, shall be able and capable to purchase, have, receive, take, hold and enjoy, in fee simple or lesser estate or estates, any lands, tenements, rents, annuities, or other hereditaments, by the gift, grant, bargain, sale, alienation, release, confirmation or devise of any person or persons or bodies corporate or politic capable and able to make the same; and, further, shall be capable in law to take, receive and possess all moneys, goods and chattels that have been given, or shall hereafter be given, sold, released, or bequeathed by any person or persons for the use of said university, and the same to apply according to the will of the donors; and all such lands, rents, tenements, hereditaments, moneys, goods and chattels of what kind, nature or quality soever the same may be, the said corporation shall have, hold, possess and use in special trust and confidence for the use and benefit of the Presbyterian Church in the United States of America, for the purpose of establishing and endowing said university at the site hereinbefore selected therefor, for the education of men of the colored race for the ministry, for catechists, and for teachers.

SEC. 2. And be it further enacted by the authority aforesaid, That the said corporation shall be able and capable in law to bargain, sell, grant, convey and confirm to the purchaser or purchasers such lands, rents, tenements and hereditaments aforesaid, when the condition of the grant to them or the will of their devisor does not forbid it; and the proceeds arising therefrom shall be held in trust for the use and benefit of the Presbyterian Church in the United States of America, for the education of men of the colored race and others, for the ministry, for teachers, and for catechists; and further, that the said corporation may sue and be sued, plead and be impleaded, answer and be answered in all courts of record whatever, in all manner of suits, complaints, pleas, matters and demands.

SEC. 3. And be it further enacted by the authority aforesaid, That the said corporation shall have power to make, ordain and establish such by-laws, ordinances and regulations for the government of said university, and the preservation of order and good morals therein, as are usually made in such institutions and to them may seem necessary; *Provided*, The same be not repugnant to the Constitution and laws of this State or of the United States, and be not disapproved by the Board of Missions for Freedmen of the Presbyterian Church in the United States of America.

SEC. 4. And be it further enacted by the authority aforesaid, That the said corporation shall have power to make and use a common seal, with such device and inscription as the Board of Trustees may think fit and proper, and may alter and renew the same at their pleasure.

SEC. 5. And be it further enacted by the authority aforesaid, That the Board of Trustees of said university shall consist of fifteen members; said trustees, at their first meeting after the ratification of this act, which meeting shall be held at the university, due notice having been given thereof, shall divide themselves into three classes, each consisting of five members, of which classes one shall hold office for a term of one year, one for a term of two years, and one for a term of three years; and the successors of each of said classes shall hold office for a term of three years, or until their successors are elected. The Board of Trustees of the university shall, on the nomination of the Board of Missions for Freedmen of the Presbyterian Church in the United States of America, annually elect five persons to fill the vacancies arising from the expiration of the term of office for which any of said trustees shall have been elected, and vacancies due to any other cause shall be filled in like manner; *Provided, however*, That no professor or instructor in the university shall be elected to the office of trustee thereof; but the president of the university shall have the right to be present at all the meetings of the Board of Trustees and to speak on any subject that may be presented, but he shall not have the right to vote.

SEC. 6. Be it further enacted, That the Board of Trustees shall have the power to elect a president and professors and tutors for the several colleges of the said university, upon the nomination of the Board of Missions for Freedmen of the Presbyterian Church in the United States of America, and no professor or tutor shall be retained in the university who is not acceptable to both the Board of Trustees and the said Board of Missions for Freedmen, but the Board of Trustees shall report the election of professors in the theological department to the General Assembly of the Presbyterian Church in the United States of America, and said Assembly shall have the power to disapprove and annul the same.

SEC. 7. And be it further enacted by the authority aforesaid, That the president and professors of said university, by and with the consent of the Board of Trustees, shall have the power of conferring all such degrees or marks of literary distinction as are usually conferred in colleges or universities.

SEC. 8. And be it further enacted by the authority aforesaid, That the Board of Trustees may as often as they see proper, according to rules by them to be prescribed, elect out of their own number a president, whose office it shall be to preside at the meetings of said Board, and said Board shall have authority to appoint a treasurer, secretary and such other officers or servants as shall by them be deemed necessary, to continue in office for such time and to be succeeded by others in such manner as the said Board shall direct; and not less than five of said trustees shall be required to constitute a quorum for the transaction of business. Said treasurer shall give to said corporation a bond, conditioned for the faithful discharge of his duties in a penalty to be fixed and with sureties to be approved by said Board of Missions for Freedmen.

SEC. 9. And be it further enacted by the authority aforesaid, That it shall not be lawful for any person or persons to set up or continue any gaming table or any device whatever for playing at any game of chance or hazard, by whatever name called, or to receive or use any license to retail spirituous liquors or otherwise to sell, give or convey to any person or persons any intoxicating liquors within one mile of said university, and any person or persons who shall offend against the provisions of this section, or any of them, shall be deemed guilty of a misdemeanor.

SEC. 10. Be it further enacted by the authority aforesaid, That the whole amount of real and personal estate belonging to said corporation shall not at any one time exceed in value the sum of one million dollars, and said corporation shall be entitled to hold two hundred acres of land free from taxation.

SEC. 11. Be it further enacted, That all laws and parts of laws coming in conflict with this act be, and the same are, hereby repealed; and that this act shall be in force from and after its ratification.

XIV. PRESBYTERIAN THEOLOGICAL SEMINARY AT OMAHA.

[NOTE.—Located at Omaha, Neb. Established in 1891.]

1. Articles of incorporation.

We, the undersigned, whose names are attached to these articles, desiring to establish in the county of Douglas and State of Nebraska, a theological institution for instruction in the faith and doctrine of the Presbyterian Church in the United States of America, do formulate, adopt and publish as its charter these articles of association.

Article I.

The name of this association shall be "The Presbyterian Theological Seminary at Omaha" and shall be located in Douglas county, Nebraska.

Article II.

The said seminary and said association shall be under the jurisdiction and amenable to the General Assembly of the Presbyterian Church in the United States of America, as hereinafter more particularly provided.

Article III.

The object and purpose for which this association is formed and the said seminary created is for the professional and ecclesiastical education of candidates for the Christian ministry, according to the faith and doctrines as herein after specified.

Article IV.

This association shall be controlled by a Board of forty directors, who shall have the power to fill vacancies which may occur in their Board, and shall hold their office until their successors are elected and qualified according to the constitution, rules and by-laws of this association, all of which, however, at all times shall be subject to the terms and conditions hereinafter named.

Article V.

There shall be elected by the Board of Directors, at each annual meeting thereof, a president, vice-president, secretary, corresponding secretary and treasurer, and they shall also have power to elect and transfer professors, lecturers, instructors and such other officers and agents as may be necessary, the compensation of each to be fixed by said Board of Directors. Said directors shall also have power to enact such by-laws as may be necessary for the government of the seminary and for conducting the affairs of this corporation, not inconsistent with the terms and provisions of this charter. The election or transfer of any officer or agent shall be subject to approval and removal, as hereinafter provided. Before any director enters upon the execution of the duties of his office, he shall subscribe in a book kept for that purpose the following engagement:

"In the presence of God I do solemnly promise that I will faithfully execute the office of director of 'The Presbyterian Theological Seminary at Omaha' in accordance with its articles of association, constitution and by-laws, so long as I continue in office, and shall be amenable to the provisions of said articles, constitution and by-laws."

An executive committee shall be elected by the directors and be not more than ten in number nor less than five; have and exercise only such power as may be vested in them by the directors and the constitution and by-laws of the association.

Article VI.

This corporation shall have a seal, which shall have on its face the words, "The Presbyterian Theological Seminary at Omaha. Seal."

Article VII.

This association, by and through its directors and officers, shall have power to invest and loan all moneys and funds, and, by bargain, sale, lease, or other-

wise, to manage, sell and dispose of any and all lands, tenements, stocks, rents, annuities, franchises, legacies, bequests and estates of any kind of which they shall be legally seized and possessed, unless otherwise prevented by the terms and conditions by which it became seized and possessed of said property, in each and every case, however, for the sole use of said seminary and the promotion of the objects for which it is established, and in conformity to the provisions of these articles.

Article VIII.

In order that the Presbyterian Church in the United States of America may have and exercise proper control over the teachings in and property of "The Presbyterian Theological Seminary at Omaha," it is hereby provided as follows:

A. All funds and property of every name and nature, and the income and proceeds thereof, which may at any time belong to, or be held by the said "The Presbyterian Theological Seminary at Omaha," shall be held by it in trust for the Presbyterian Church in the United States of America, and be used only for theological education in the faith and doctrine set forth in the Standards of the Presbyterian Church in the United States of America, as now or hereafter interpreted by its General Assembly, and for no other purpose and this provision governing all said funds or property shall be irrevocable and inviolable.

B. The election of each and every director, and the election, appointment or transfer of every instructor or professor in said seminary, shall be subject to the approval of the next succeeding General Assembly of the Presbyterian Church in the United States of America, and no election, appointment or transfer shall take effect until so approved; the failure of the General Assembly, to which said elections, appointments or transfers are reported for approval to act thereon, shall be regarded as approval of said elections. No professor, instructor or teacher shall be inducted into office until his election, appointment or transfer is approved as herein provided, and each and every of said teachers, instructors or professors shall be ministers or members in good standing of the Presbyterian Church in the United States of America.

C. Power and authority is hereby given and granted to the Presbyterian Church in the United States of America, to provide through and by its General Assembly, at any meeting thereof, such manner and means as said General Assembly may deem wise and prudent for the enforcement of the provisions of these articles of incorporation, and may do so in the name of such person or corporation as it may direct by resolution certified by its clerk in any civil court having jurisdiction over this corporation or its property.

2. Act of the Legislature of Nebraska.

A bill for an act to amend section 19, chapter 16 (being general section 1694) of the Compiled Statutes of 1895, and to repeal said original section and to add thereto provisions relating to the holding of property in trust for purposes of theological education, and to provide for enforcement of said trust and the administration thereof.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. Section 19, chapter 16 (being general section 1694) of the Compiled Statutes of 1895, be amended to read as follows:

The trustees of any university, college, theological seminary, or academy, may hold in trust any property, devised, bequeathed or donated to such institution upon any specific trust consistent with the object of said corporation. *Provided, however,* That any corporation formed for the purpose of providing theological education, or giving religious instruction, or for the purpose of maintaining and operating a theological seminary in connection with, or on the part of, any religious sect, association or denomination, is hereby authorized and empowered to set forth in its articles, or certificate of incorporation, as a part of the same, the name of the religious sect, association or denomination, with which it is connected, and to declare that it shall acquire and hold its real and personal property in trust for the purpose of theological education or instruction, according to the standards of said religious sect, association or denomination, and it is further authorized and empowered to grant to the supreme court or other ecclesiastical body of such religious sect, association or denomination, whether the same be a conference, Presbytery, Synod, General Assem-

bly, convocation, or otherwise, the right to approve the election of its directors, trustees, professors, teachers and instructors, without which approval the election of said directors, trustees, professors, teachers and instructors shall not be valid, and it is further authorized and empowered to grant to said supreme court or other ecclesiastical body of such religious sect, association or denomination, authority to appear in any court of competent jurisdiction in the name of such person as it may designate for and on its behalf, to protect the trust in and to said property so declared in said articles of incorporation, and to provide against the misuse of the same, and to enforce the rights conferred on said supreme court or other ecclesiastical body of such religious sect, association or denomination, by the terms of said article or certificate of incorporation; and it is further authorized and empowered to set forth, in its articles or certificate of incorporation, such other rights as to the administration of the purpose for which it is organized, and not inconsistent with the laws of this State, or of the United States, as said incorporation may desire to confer on said supreme court or other ecclesiastical body of such religious sect, association or denomination, and said supreme court or other ecclesiastical body of such religious sect, association or denomination, shall possess and exercise all the rights and powers so set forth in said articles or certificate of incorporation. *Provided, further,* Any corporation heretofore formed for the purpose of providing theological education or giving religious instruction or for the purpose of maintaining and operating a theological seminary in connection with or on the part of any religious sect, association or denomination, which has been incorporated under the laws of this State, whether by special act of the legislature or otherwise, may avail itself of the provisions of the preceding section as a part of its articles or certificate of incorporation, and may declare the trust on which it holds and for which it acquires its property, and may confer on the supreme court or other ecclesiastical body of such religious sect, association or denomination, any or all of the rights, powers and privileges provided by this section to be conferred on corporations hereafter organized, and may accept the provisions of this section by a vote of the majority of the trustees of said corporation present at a regular meeting, and when so accepted, a certified copy of such acceptance, together with a certified copy of the declaration of trust on which it holds and for which it acquires its property, and of the rights and powers which, pursuant to the provisions of this section, it desires to confer and has conferred upon the supreme court or other ecclesiastical body of such religious sect, association or denomination, shall be filed in the office of the Secretary of State, and when so filed the same shall become and be a part of the charter of said corporation, and said supreme court or other ecclesiastical body of such religious sect, association or denomination, shall possess and exercise all of the rights and powers so set forth in said articles or certificate of incorporation.

SEC. 2. That said original section 19 (general section 1694) of the Compiled Statutes of 1895 be and the same hereby is repealed.

3. Action of the Board of Directors, 1895.

In order that the Presbyterian Church in the United States of America may have and exercise proper control over the teachings in, and property of, "The Presbyterian Theological Seminary at Omaha," the Board of Directors added Article VIII to the Articles of Incorporation. See page 523.

[NOTE.—For the full action of the Board, see *Minutes*, 1895, p. 163.]

CHAPTER XIII.

OF ELECTING AND ORDAINING RULING ELDERS AND DEACONS.

I. Having defined the officers of the church, and the judicatories by which it shall be governed, it is proper here to prescribe the mode in

which ecclesiastical rulers should be ordained to their respective offices, as well as some of the principles by which they shall be regulated in discharging their several duties.

II. Every congregation shall elect persons to the office of ruling elder, and to the office of deacon, or either of them, in the mode most approved and in use in that congregation. But in all cases the persons elected must be male members in full communion in the church in which they are to exercise their office.

[NOTE.—See Form of Government, Chap. v, Sec. 1, p. 148.]

1. Elders must be duly elected and set apart.

The following inquiry was referred to the decision of the Assembly by the Synod of the Carolinas, viz.:

In what point of light are the elders nominated and ordained by Mr. Balch to be viewed hereafter in Mount Bethel congregation?

It was determined by the Assembly that the "elders" mentioned in the inquiry are to be henceforth viewed as private church members only, unless they be duly elected and set apart as church officers hereafter.—1798, p. 158.

2 The Session may propose names to the congregation.

The reports on the records of the Synod of Pittsburgh were taken up and read. The majority report is as follows, viz.: "The Committee to whom the records of the Synod of Pittsburgh were committed would report that they have examined the same and find them regularly and neatly kept, and would recommend their approval."

The report of the minority is as follows, viz.: "The minority of the Committee on the Records of the Synod of Pittsburgh recommend that they be approved, with the exception of the censure passed on the Presbytery of Redstone, p. 284, for their disapproval of the action of the Session of Morgantown in nominating two persons to the office of ruling elder in that congregation, and recommend that the judgment of the Synod be reversed, and that the following resolution be adopted, to wit:

"*Resolved*, That in the judgment of the Assembly, the nomination by the Session of persons to the office of ruling elder or deacon is contrary to Form of Government, Chap. xiii, Sec. ii, which says, 'Every congregation shall elect persons to the office of ruling elder or deacon in the mode most approved and in use in that congregation,' and is inconsistent with the freedom of elections."

On motion the report of the majority was adopted as the sense of the Assembly, and the whole ordered to be entered on the minutes.—1847, p. 381, O. S.

3. A meeting for the election of elders can be called regularly only by the Session or by some higher court.

Overture, from two ruling elders of the Brazeau Church, Presbytery of Potosi, Synod of Missouri, as follows: "Is it regular for a congregation, where there is no pastor, and a Session of two ruling elders, to call a meeting of the congregation and elect a new Session without consulting the Session of the church where said election was made by a small minority of the church?"

The Committee recommend the following answer: "The Session of a

church should always be consulted with reference to calling a meeting for the election of additional ruling elders; and it is irregular to call a meeting for such a purpose, and proceed to an election, unless the meeting is called through and by authority of the Session or some higher court."

The report and recommendation were adopted.—1867, p. 320, O. S.

4. Relation of the Session to the meeting of the electors.

In an election of elders in a particular church, should the meeting for the election be presided over by the Session and is the Session alone competent to conduct the election?

The Committee recommend that the Presbytery be referred to Chap. xiii, Sec. ii, of the Form of Government. Adopted.—1878, p. 57.

5. The pastor is Moderator ex-officio of a meeting to elect elders and deacons.

Overture No. 5, being a request from the Synod of New York for an answer to the following question: "Is the pastor of a church, by virtue of his office, the Moderator of a meeting of the communicants of his church called to elect ruling elders and deacons, and will the answer to this question also apply to regularly appointed Moderators of Sessions who are not pastors?" It is recommended that these questions be answered in the affirmative.—1886, p. 26.

6. A superior judicature may authorize the meeting.

That the entire church take immediate measures to elect a new bench of elders, with a view to promote the peace of the church, and to secure the permanent settlement of the Gospel ministry among them.—1834, p. 453.

[NOTE.—See under vii, below.]

7. The remedy in case the Session refuse to convene the congregation is to complain to Presbytery.

The Session of a church has the authority to convene the congregation for all such purposes; but should the Session neglect or refuse to convene the congregation, the party feeling aggrieved has its remedy by application to Presbytery in the form of a complaint.—1822, p. 49.

[NOTE.—See 12, below, p. 530; 1846, p. 305, O. S. Also Book of Discipline, Sec. lxxi, p. 678.]

8. Irregularity in call of meeting does not necessarily invalidate the election.

a. G. B. Smith and J. T. Clark were elected elders of the Church of Madison, Wis., at a meeting held on Sunday, August 26, 1855. David Dennon and H. J. Davidson were elected deacons. Notice of the meeting had been given on the previous Sabbath from the pulpit, and also on the day of meeting. Messrs. G. B. Smith and J. T. Clark were ordained as elders on the evening of that day. David Dennon was at the same time ordained as deacon. At the next meeting of Presbytery, called *pro re nata*, at the request of the party opposed to the present complainants, J. T. Clark and J. Y. Smith both claimed seats as the representatives of the Madison Church. Mr. Clark had been appointed by the Session, the vote being a tie, and the casting vote being given for him by the Moderator. The two former elders of the church,

one of whom was an ordained minister and a member of the Presbytery of Dane, withdrew, alleging that they disputed the fact that the other two were elders. At the Presbytery, J. Y. Smith contested the right of Clark to a seat in that body, on the ground that the meeting to elect elders had not been called by order of the existing Session. The existing or former Session and their party had due notice of the meeting, and were present at its commencement. They attempted to postpone the election, and withdrew after the majority had voted to proceed with the election.

The Presbytery of Dane admitted Mr. Clark to his seat, thus recognizing the validity of his election and ordination. Against this action of the Presbytery, J. Y. Smith and his party complained to the Synod of Wisconsin. The Synod sustained the complaint, thus pronouncing the election and the ordination of the new elders invalid. Against this decision of the Synod, Mr. Gardiner and Mr. J. T. Clark complain.

The above is the statement of the case as agreed upon by the parties. It is submitted with a view of saving the time of the Assembly.

The Judicial Committee recommend to the Assembly the adoption of the following minute, as a final settlement of the case, agreed on by both parties:

1. That the complaint be sustained *pro forma*, and the decision of the Synod be reversed, so far as it pronounces the election and ordination of the elders and deacons invalid, the Assembly being of opinion that the informality in the call of the congregational meeting was not so serious as to vitiate the election and ordination.

2. That the Synod was right in pronouncing the call of the congregational meeting irregular.

3. That although the Assembly thus recognize the validity of the election and ordination of the said elders and deacons, they yet recommend, the said elders having assented thereto by their representatives, that in view of past and existing difficulties the said elders and deacons cease to act, according to our Form of Government, until such time as in the estimation of the Presbytery of Dane the church can be reasonably harmonious in receiving them in their official capacity.—1856, p. 517, O. S.

9. Ministers are not eligible to the eldership.

a. Overture from sundry members of the Assembly, inquiring whether an ordained minister may accept and exercise the office of ruling elder in a church belonging to the same Presbytery of which he is a member.

At the recommendation of the Committee this was answered in the negative.—1856, p. 522, O. S.; confirmed, 1871, p. 546.

b. The Special Committee, appointed by the last Assembly, on the relation of unemployed ministers to the churches among whom they reside, presented their report, which was adopted, and is as follows:

By the last General Assembly, which met at Dayton, O., the undersigned were appointed a Committee to consider and report upon the following resolution (see *Minutes*, 1864, p. 462):

Resolved, That the subject of the relation of unemployed ministers to the churches among whom they reside, and whom they may be desired and are disposed to serve as ruling elders, be referred to a Committee to consider and recommend what action can and ought to be taken by the Assembly for removing the constitutional restriction which prevents the

employment of such ministers in the service of the Church as ruling elders, and report to the next Assembly.

The "constitutional restriction" referred to is found in the Form of Government, Chap. xiii, Sec. ii, where it is said that persons elected to the offices of ruling elder and of deacon must "in all cases" be male members in full communion in the church in which they are to exercise their office. By the practice of our Church, ministers are not members of any particular church, and therefore cannot be eligible to the above offices.

The case might be reached constitutionally in one of two ways. The first would be an alteration of the above rule, making an express exception in respect to "unemployed ministers;" but this would involve the infelicity and inconvenience of holding two offices, and would require adjustments of other parts of the Constitution.

The other mode would be the adoption of a constitutional provision, allowing, in certain well-defined cases, the demitting of the ministerial office. While some of your Committee are inclined to this course, yet they do not think it expedient to recommend it for adoption without further discussion and more specific instructions from the Assembly.

At the same time your Committee are unanimously of the opinion that any church has a right to avail itself of the experience and wisdom of such unemployed ministers. While it cannot directly invest such ministers with the office of ruling elder, yet it may, by a formal vote, request them to take part in all the deliberations of the Session. What is desirable in the case may thus be gained without any violation of constitutional provision.—1865, pp. 13, 14, N. S.

[NOTE.—See, however, F. G., Chap. ix, Secs. i, iii, where it is affirmed that a Session may not invite a minister of the Gospel to sit as a corresponding member. A minister cannot act as a ruling elder, since he is not a "representative of the people" nor elected by the church for that service.]

c. A minister belonging to the Presbytery of Grand River Valley, now editing a paper and not preaching on account of throat difficulty, was solicited to accept the office of elder by the First Presbyterian Church, of Grand Haven, Mich., was elected unanimously, accepted the office, and entered on his duties. The Presbytery, in reviewing the records, declared it was irregular, and did nothing more. The pastor of said church brought the matter before the Session; and, after considering the case, the Session did nothing. This brother, not being able to preach and over sixty years of age, accepted the office of ruling elder because he was willing to work in the vineyard of the Lord in a more humble capacity, but has not resigned the ministerial office, holding still his place as a member of the Presbytery of Grand River Valley.

The Committee recommended for answer a reference to the report of the Special Committee on this subject, made to the Assembly of 1865, and found in the *Minutes* for that year, pp. 13, 14 (see b above).

The report was adopted.—1869, p. 282, N. S.

d. "Is a minister a member of a particular church, and, as such, is he eligible to the office of ruling elder in that church?"

The Committee recommend that the Assembly answer "No;" and refer to the *Digest* (Moore, 1873), page 339. Adopted.—1874, p. 84.

e. Overture from the Presbytery of Cedar Rapids, asking the General Assembly to take such action as may be necessary to permit churches, when they so desire, to elect as ruling elders ministers of our Church,

without charge, who are resident members of their congregations. Your Committee would recommend that this overture be answered in the negative, because ministers are not members of any particular church, nor amenable to its discipline. See "Form of Government," Chap. xiii, Sec. ii. Adopted.—1893, p. 116.

f. *An exception allowed in the case of foreign missionaries.*

Overtures from the Synod of Wisconsin and from the Presbytery of Corisco, asking "whether a minister who has been compelled in the providence of God to lay aside active ministerial duties is eligible to the eldership;" and "whether an ordained minister can occupy the position of a ruling elder in the Church."

The Committee recommend that the Synod and Presbytery be referred to the action of the General Assembly (O. S.) of 1856 (see a above), and that that action be now reaffirmed by this Assembly—that an ordained minister cannot be also a ruling elder in a congregation.

And that the Presbytery of Corisco be also informed that in exceptional cases, on foreign missionary ground, it may be expedient for a minister to perform temporarily the functions of a ruling elder without having been specially set apart to the office.—1871, p. 546.

g. Overture from the Presbyterian Mission in Korea. In the absence of ordained elders a Session may consist, on a foreign field, of the missionaries in charge of the work.—1896, p. 147.

[Note.—See under Form of Government, Chap. ix, Sec. i, p. 157.]

10. Uniformity in the mode of election deemed impracticable.

The Committee on Overture No. 9, relating to an amendment in the Form of Government, Chap. xiii, Sec. ii, reported, and their report was adopted, and is as follows, viz.:

The Committee to whom was referred the consideration of Overture No. 9, relating to an alteration of that part of the Constitution of our Church which gives the right of choosing ruling elders and deacons to the congregation, in the way most approved and in use in the congregation, reported, that after deliberating on the subject they find themselves unable to devise any method by which a uniformity of practice can be established in this interesting concern throughout the different sections of our Church, and believe that any alteration effected in the Constitution, with a view to relieve the difficulties in one section, would produce difficulties in another section of the Church. The Committee therefore judge it inexpedient to propose any alteration, and recommend that the Assembly dismiss this subject from any further consideration. [See 12 below.]—1826, p. 187.

11. The mode most approved and in use may be changed by the congregation. Direct vote advised.

And while the Assembly would recognize the undoubted right of each congregation to elect their elders in the mode most approved and in use among them, they would recommend that in all cases where any dissatisfaction appears to exist, the congregation be promptly convened to decide on their future mode of election. And they are inclined to believe that the spirit of our Constitution would be most fully sustained by having in all cases a direct vote of the congregation in the appointment of elders.—1827, p. 215.

[Note.—See under Sec. viii, p. 541.]

12. The right of the superior judicatory to interfere with the mode in use disavowed.

The Assembly deem it proper, in sustaining the complaint of the Presbytery of Blairsville, to declare that they do it on the ground that the decision of the Synod of Pittsburgh, disapproving of the act of the Presbytery, if carried into effect, would render it necessary for the churches in that Presbytery, and any other within the bounds of that Synod whose practice may be the same, to change their usage as to the manner of electing ruling elders, which by the Constitution is left to be regulated by "the mode most approved and in use in each church." At the same time, the Assembly, in coming to this result have no design to establish a uniform mode of electing elders throughout the Church, which is designedly left by the Constitution to be regulated by the usage of each particular church.

And it may be added that in those churches in which the usage has prevailed for the existing eldership to determine when and how large an addition shall be made to the Session, the Church has an effectual security against the abuse of that power, in the right of appeal or complaint secured by the Constitution.—1840, p. 305, O. S.

[NOTE.—See. Chap. xiii, Sec. ii, Form of Government.]

13. Who are the electors of ruling elders and deacons?

a. *Members not communicants, where such is the usage.*

The General Assembly, having gone fully into the consideration of the appeal from the decision of the Synod of Ohio, by Messrs. Lowerie and Kelso, and having seen with deep regret the appearance of much disorder in the whole business, which they disapprove, believing, as the Assembly do, that the election of elders should be conducted with all due deliberation, according to the letter of the Constitution of the Presbyterian Church, and in the spirit and temper of the Gospel, and although the Assembly are of the opinion that it would be most desirable to have the communicants only as the electors of ruling elders, yet, as it appears to be the custom in some of the churches in the Presbyterian connection, to allow this privilege to others, they see no reason why the election be considered void, nor any reason why the decision of the Synod of Ohio should not be affirmed. Therefore,

Resolved, That the sentence of the Synod of Ohio be and it is hereby affirmed.—1822, p. 49.

b. *Only baptized persons allowed to vote for ruling elders.*

Ought an unbaptized person, who yet pays his proportion for the support of a congregation, to be permitted to vote for ruling elders?

The office of ruling elder is an office in the Church of Christ; that ruling elders as such, according to the Constitution, Book I, Form of Government, Chap. v, are "the representatives of those by whom they are chosen, for the purpose of exercising government and discipline," in the kingdom of our Lord Jesus Christ; that the discipline lawfully exercised by them is the discipline exercised through them by their constituents, in whose name and by whose authority they act in all that they do. To suppose, therefore, that an unbaptized person, not belonging to the visible kingdom of the Redeemer, might vote at the election of ruling elders, would be to establish the principle that the children of this

world might through their representatives exercise discipline in the Church of God, which is manifestly unscriptural and contrary to the Standards of our Church, and your Committee would therefore recommend that the question on the said overture be answered in the negative. —1830, reprint, p. 284.

c. *Neither the presiding officer nor the Session may disqualify voters whose standing has not been impaired by judicial process.*

When a meeting of a church duly called is held for the election of elders, may the Moderator presiding at such meeting disqualify voters whose standing has not been impaired by regular judicial process ?

Answered in the negative.—1896, p. 91.

Resolved, 1. That neither the presiding officers of church or congregational meetings, nor the Sessions of churches, possess the power to deprive communicant members in good standing of their right to vote at meetings of the church or of the congregation, except by due process of law in accordance with the provisions of the Book of Discipline.—1897, p. 139.

d. *Most consonant to our form of government that communicants only be the electors.*

Are others than communicants entitled to vote for ruling elders ?

The Assembly, in accordance with the decision of former Assemblies, judges it most consonant to our form of government that communicants only should vote in the election of ruling elders.—1855, p. 299, O. S.

Overture.—A resolution, referred by the Assembly, asking for a definition of the word "congregation," as used in the chapter of our Discipline which prescribes the manner of electing ruling elders. Your Committee recommend the Assembly to answer, that the term "congregation" includes only the actual communicants of the particular church.

Adopted.—1882, p. 97.

Resolved, That only communicants in good standing are qualified voters at the election of ruling elders and deacons.—1897, p. 138.

e. *No distinction to be made as to the age of electors.*

As to the right of minors to vote in the election of elder and deacon.

That it is not in accordance with the principles and usages of the Presbyterian Church to distinguish between members of the Church as to their ages, in voting for officers of the Church.—1859, p. 18, N. S.

Paper No. 5, being a complaint of Rev. Arthur C. Ludlow to the Synod of Ohio against the action of the Presbytery of Cleveland, touching the constitutionality of a provision in the Constitution of the Windermere Church, limiting participation in the election of "Deacons and Elders to communicants over eighteen years of age." Presbytery declared this clause "plainly unconstitutional." Synod referred the subject to the General Assembly for an expression of its judgment. It is recommended that the decision of the Presbytery be sustained. Adopted. —1897, p. 131.

f. *Roll of members is the list of voters.*

Resolved, 2. That the rolls of communicant members in good standing in the possession of the clerks of Sessions shall be the authoritative lists of voters at church meetings.—1897, p. 139.

g. Two-thirds vote recommended in some cases.

In cases of trouble within the church connected with the election of elders, the Assembly has recommended (p. 537) "the persons so elected not to accept the office unless they shall obtain the suffrages of at least two-thirds of the electors participating in the election.—1834, p. 453; 1893, p. 152.

14. All office-bearers must faithfully accept the Standards.

Overture from the Session of the First Church of Dayton, O., asking whether persons who do not accept the teaching of the Church regarding infant baptism are eligible to the office of ruling elder or deacon. Your Committee recommend that the Assembly return the following answer: A faithful acceptance of the Confession of Faith is required of those who accept office in our churches; and if any cannot faithfully accept this Confession of Faith, they should decline office in the Church. But, so far as the overture refers to a particular case, we recommend that it be returned to the church and submitted to the Presbytery. Adopted.—1882, pp. 98, 99.

15. Mode of electing for a term of years.

[NOTE.—See Form of Government, Chap. xiii, Sec. viii, p. 541.]

16. No authority for election and ordination of deaconesses.

Overture from the Presbytery of Cairo, asking:

1. Is the election of female members of the Church to the office of deaconess consistent with Presbyterian polity?

2. If proper to elect them, should they be installed; and if installed, should it be done by the regular form for the ordination of deacons, or otherwise?

The Committee recommends the following answer:

To questions 1 and 2: The Form of Government, Chap. xiii, Sec. ii, declares that "in all cases the persons elected must be male members." In all ages of the Church godly women have been appointed to aid the officers of the Church in their labors, especially for the relief of the poor and the infirm. They rendered important service in the apostolic Church, but they do not appear to have occupied a separate office, to have been elected by the people, or to have been ordained and installed. There is nothing in our Constitution, in the practice of our Church, or in any present emergency to justify the creation of a new office. Adopted.—1884, p. 114.

[NOTE.—In 1889 an overture was received calling for the consideration of the question of constituting an Order of Deaconesses (*Minutes*, p. 77). A Committee, *Ministers*—Benjamin B. Warfield, D.D., Samuel J. Niccolls, D.D., Henry C. McCook, D.D.; *Elders*—Samuel C. Perkins, LL.D., Warner Van Norden, was appointed to report to the next Assembly (p. 81). That Committee reported (*Minutes*, 1890, pp. 119–121), recommending an addition to Chap. vi and also to Chap. xiii, Form of Government. See the report and proposed overtures as above (1890, pp. 119–121). Both amendments were rejected by the Presbyteries. See report of the Committee of Canvass (1891, pp. 135–139). Overtures "On the Ministrations of Women," "On the Official Employment of Godly Women" and "On Deaconesses," were referred to the same special Committee on Deacons (1891, p. 134). The Committee reported (*Minutes*, 1892, pp. 166–170), recommending alternative overtures: I. Amending Chap. xiii, ii, and xiii, iv. II. Amending Chap. xiii by the addition of a section to be numbered ix. Both overtures failed of adoption. See report of the Committee of Canvass (1893, pp. 200, 201).]

17. Systematic training of women workers commended.

Resolved, That this General Assembly recognizes the imperative need

for a more systematic training of women workers, which shall adapt them to the opening spheres of work at home and abroad, and earnestly recommends to the Synods and Presbyteries, the establishment, as opportunity offers, of institutions and training homes for the instruction and training of godly women, duly recommended by Sessions and Presbyteries for practical Christian work.—1892, p. 170.

[NOTE.—See *Minutes*, 1896, p. 130.]

III. When any person shall have been elected to either of these offices, and shall have declared his willingness to accept thereof, he shall be set apart in the following manner:

IV. After sermon, the minister shall state, in a concise manner the warrant and nature of the office of ruling elder or deacon, together with the character proper to be sustained, and the duties to be fulfilled by the officer elect; having done this, he shall propose to the candidate, in the presence of the congregation, the following questions, viz.:

1. Do you believe the Scriptures of the Old and New Testaments to be the Word of God, the only infallible rule of faith and practice?

2. Do you sincerely receive and adopt the Confession of Faith of this Church, as containing the system of doctrine taught in the Holy Scriptures?

3. Do you approve of the government and discipline of the Presbyterian Church in these United States?

4. Do you accept the office of ruling elder (or deacon, as the case may be), in this congregation, and promise faithfully to perform all the duties thereof?

5. Do you promise to study the peace, unity and purity of the church?

The elder or deacon elect having answered these questions in the affirmative, the minister shall address to the members of the church the following question, viz.:

"Do you, the members of this church, acknowledge and receive this brother as a ruling elder (or deacon), and do you promise to yield him all that honor, encouragement and obedience in the Lord to which his office, according to the word of God, and the constitution of this Church, entitles him?"

The members of the church having answered this question in the affirmative, by holding up their right hands, the minister shall proceed to set apart the candidate, by prayer, to the office of ruling elder (or deacon, as the case may be), and shall give to him, and to the congregation, an exhortation suited to the occasion.

V. Where there is an existing session it is proper that the members of that body, at the close of the service, and in the face of the congregation, take the newly-ordained elder by the hand, saying in words to this purpose,—"We give you the right hand of fellowship to take part of this office with us."

1. Mode of ordination. Laying on of hands approved.

a. Our Form of Government, Chap. xiii, Sec. iv, declares that such, whether elder or deacon, shall be set apart to their respective offices by prayer. The imposition of hands, however, we are aware, in many of our churches is practiced; and as it is plainly in accordance with apostolic example, it is the opinion of the Assembly that it is proper and lawful. We conceive that every church in this respect may with propriety be left to adopt either of these two modes as they think suitable and best.—1833, p. 405.

b. An overture from the Presbytery of South Alabama on the subject of ordaining elders and deacons by the imposition of hands. The Committee recommended that it be left to the discretion of each church Session to determine the mode of ordination in this respect, which was adopted.—1842, p. 16, O. S.

c. The Session of the Mount Bethany Church, having been censured by the Presbytery of Memphis for ordaining deacons with the laying on of hands, memorialized the Assembly "to determine whether in the ordination of elders and deacons it is unconstitutional or otherwise improper to use the rite of laying on of hands by the existing eldership."

Resolved, That the Session of Mount Bethany Church be referred to the *Minutes* of the Assembly of 1842 for an answer to said overture.—1851, pp. 12, 35, 172, and 1852, p. 227, O. S.

2. Ordination essential to the validity of the judicial acts of an elder.

The Committee on Church Polity reported two questions, with the recommendation that they be answered in the negative:

1st. Is an elder-elect a member of the Session, and competent to sit in a judicial case before he has been ordained according to the Form of Government?

2nd. Would a decision in a case of discipline, made by a Session whose members have never been ordained according to the Form of Government, Chap. xiii, be a valid and lawful decision and binding upon the accused?

The report was adopted.—1868, p. 58, N. S.

3. Irregularity in mode of election does not invalidate ordination.

Your Committee are of opinion that the mode of electing elders in the congregation of Wheatland for a term of years was irregular, and ought in future to be abandoned, but cannot invalidate the ordination of persons thus elected and ordained to the office of ruling elder.—1835, p. 471.

[NOTE.—See *Minutes*, 1867, p. 320, O. S.]

4. Installation required on resuming the office.

When a ruling elder in the Presbyterian Church, by removal or otherwise, terminates his connection with the Session by whom he was ordained, does he require installation before he can regularly exercise again the office in the same church or in any other one? Answered in the affirmative.—1849, p. 265, O. S.; confirmed, 1878, p. 71.

An overture from the Presbytery of Erie, asking whether the answer of the General Assembly of 1849 in relation to the installation of ruling elders who have removed from one church to another has a retrospective or only a prospective bearing.

The Committee recommended the following answer to the question: That it has a prospective bearing.

The recommendation was adopted.—1850, p. 454, O. S.

[NOTE.—See under Sec. viii, No. 2, p. 541.]

5. An elder who has removed or resigned, if reëlected, must be again installed.

Question: "Whether a ruling elder, who has terminated his connection with the Session, by removal to another church or by resignation, should be reinstalled before he can regularly exercise the duties of his office in the same or another church?"

The Committee recommend that the answer of the O. S. Assembly of 1849 to the same general question, be reënacted by this Assembly as the answer to this overture. This action is found on page 534 of this *Digest.*—1880, p. 46.

[NOTE.—The above is declared not to be retroactive. See under Sec. viii, p. 541; *Minutes*, 1880, p. 84.]

6. Mode of installation of an elder already ordained.

1. *Resolved*, That any elder regularly ordained and installed in one church and subsequently elected to the same office in another church, and who has heretofore, pursuant to such election, served as an elder in such church without objection, shall be presumed to have been duly installed therein, and his right to act shall not now be questioned.

2. *Resolved*, That when an elder shall hereafter be elected to the same office in a church other than that in which he has been ordained and installed, the minister and Session are hereby enjoined formally to install him.

3. *Resolved*, That this Assembly hereby declare that the existing law of the Church as to the mode of such installation is as follows, viz.: After sermon the minister shall speak of the office and duties of ruling elders as in case of ordinations, and shall then propose to the elder-elect in the presence of the congregation the following questions: Do you sincerely receive and adopt the Confession of Faith of this Church as containing the system of doctrine taught in the Holy Scriptures? Do you accept the office of ruling elder in this congregation, and promise faithfully to perform all the duties thereof? Do you promise to study the peace and unity and purity of the Church? The elder-elect having answered these questions in the affirmative, the minister shall ask the members of the church whether they accept him, as in cases of ordination. The members of the church having answered in the affirmative by holding up their right hands, the minister shall declare him an elder of that church, and accompany this act by exhortation and such other proceedings as he may deem suitable and expedient.—1856, p. 539, O. S.

VI. The offices of ruling elder and deacon are both perpetual, and cannot be laid aside at pleasure. No person can be divested of either office but by deposition. Yet an elder or deacon may become, by age or infirmity, incapable of performing the duties of his office; or he may, though chargeable with neither heresy nor immorality, become unacceptable, in his official character, to a majority of the congregation to which

he belongs. In either of these cases, he may, as often happens with respect to a minister, cease to be an acting elder or deacon.

[NOTE.—See Form of Government, Chap. iii, Sec. ii, p. 143.]

1. Perpetuity of the office affirmed.

a. The Committee to whom was referred Overture No. 1, a communication from the Session of Wheatland congregation in reference to the appointment of Freeman Edson as a commissioner to this Assembly, beg leave to present the following report:

Agreeably to the Constitution of our Church, the office of ruling elder is perpetual (see Form of Government, Chap. xiii, Sec. vi), and cannot be laid aside by the will of the individual called to that office, nor can any congregation form rules which would make it lawful for any one to lay it aside. Your Committee are of opinion that the mode of electing elders in the congregation of Wheatland for a term of years was irregular and ought in future to be abandoned, but cannot invalidate the ordination of persons thus elected and ordained to the office of ruling elder. And whereas, it appears that Mr. Freeman Edson was once elected to the office of ruling elder in the church of Wheatland, and was regularly set apart to that office; whereas, there seems to be some material diversity of views between the Presbytery of Rochester and the church Session to which Mr. Edson once belonged as to the manner in which, and the principle on which, he ceased to be an acting elder in the said church, into which the Assembly have no opportunity at present of regularly examining; and whereas, the Presbytery, with a distinct knowledge, as is alleged, of all the circumstances attending this case, gave Mr. Edson a regular commission as a ruling elder to this General Assembly; therefore,

Resolved, That he retain his seat as a member of this Assembly.—1835, p. 471.

b. *Length of service left to the decision of the church.*

In defining its own action, the Assembly is not to be understood as deciding that in any case the actual service of the eldership should be either permanent or limited; but while the office is perpetual, the time of its exercise in each individual congregation may be left to the decision of the church itself, according to the mode approved and in use in such church.—1872, p. 75.

2. Restoration to church privileges does not restore to the eldership.

When an elder has been suspended from church privileges and again restored to the privileges of the church, is he also restored to his office as a ruling elder?

The two things are distinct; and since an elder as well as a minister may be suspended from his office and not from the communion of the church, so there may be reasons for continuing his suspension from his office after he is restored to the privileges of the church. He cannot be restored to the functions of his office without a special and express act of the Session for that purpose, with the acquiescence of the church.—1836, p. 263.

3. An elder without charge can sit in no church court.

Resolved, That no ruling elder who has retired from the active exercise of his office in the church to which he belongs can be admitted as a member of a Presbytery, Synod or General Assembly.—1835, p. 489.

[NOTE.—See below, under Sec. viii, for the case of those elders who are not reëlected under the provision for term service.]

VII. Whenever a ruling elder or deacon, from either of these causes, or from any other, not inferring crime, shall be incapable of serving the Church to edification, the session shall take order on the subject, and state the fact, together with the reasons of it, on their records; *Provided always*, that nothing of this kind shall be done without the concurrence of the individual in question, unless by the advice of Presbytery.

1. Elders who cannot acquiesce in the decisions of the superior courts of the Church should resign.

A petition from the members of the Session of the Third Presbyterian Church in this city, asking advice of this Synod with respect to the execution of their office in consequence of the judgment of the Synod respecting that church. After it was duly considered, they returned the following answer, viz.: The Synod advise them to continue to act as elders, but in case they cannot, consistently with what they apprehend to be their duty, continue as such and act upon the decisions of Synod, that they may resign their office, and the congregation proceed to choose other elders who may have freedom to act according to the determinations of the Synod.—1772, p. 435.

2. Ruling elders may cease to act in order to promote the peace of the church.

a. The Assembly earnestly recommend to the whole Session, including the majority and the minority, in view of the state of the Fifth Church, to take the constitutional steps and cease from acting as ruling elders in that congregation, and that the entire church take immediate measures to elect a new bench of elders, with a view to promote the peace of the church and secure the permanent settlement of the Gospel ministry among them. And further, that it be recommended to the persons so elected not to accept the office unless they shall obtain the suffrages of at least two-thirds of the electors participating in the election.—1834, p. 453.

b. *Resolved*, That this Assembly requests the Presbytery of Redstone to consider the expediency of recommending to said elders, in view of the dissension which the Assembly has been led to believe exists in said congregation, growing out of said action of the Presbytery, that said elders shall take the constitutional steps and cease from acting as ruling elders in that congregation, and that the entire church take immediate measures to elect two elders in place of said retiring elders, with a view to promote the peace of the Church; and of further recommending to the persons so elected not to accept the office unless they shall obtain the suffrages of at least two-thirds of the electors participating in the election.—1893, p. 151.

[NOTE.—For complaint of the Presbytery of Redstone *vs.* the Synod of Pennsylvania, see Sec. 7, p. 538.]

3. The superior court directs an elder to cease to act.

With the consent of parties, the complaint (of Mr. William B. Guild against the Synod of New Jersey) is sustained *pro forma;* but under existing circumstances in the congregation Mr. Guild shall cease to act as a ruling elder in the Third Church at Newark, N. J.—1863, p. 35, O. S.

[NOTE.—The complaint was that the Synod had by a Committee visited the Third Church to see if any member of the Session was unacceptable to the people.]

4. The Presbytery, without the request of the Session or of members of the church, may declare that an elder shall cease to act.

Overture from the Session of the Presbyterian Church at Ironton, Mo., in reference to the power of the Presbytery to declare that a member of the Session shall cease to be an acting elder without any request from the Session or any members of the church.

The Committee would recommend the following answer (see Form of Government, Chap. x, Sec. viii): Presbytery has power to visit particular churches for the purpose of inquiring into their state, and redressing the evils that may have arisen in them, and to order whatever pertains to their spiritual welfare, without being requested by the Session.

The report was adopted.—1869, p. 924, O. S.

5. If a member of Session be unacceptable, and the matter cannot be arranged by consent, the proper step is to memorialize Presbytery.

Overture from two members of the General Assembly, with the inquiry: "Has a church Session the right to submit to their church members the acceptableness or non-acceptableness of the acting Board of ruling elders, or any portion of the Board, and to ask the church to settle the question by a vote of the members?"

In case of unacceptableness on the part of any member of a church Session, and the matter cannot be amicably arranged by consent of parties, the proper method of redress is by memorializing the Presbytery to give such direction as in its judgment the necessities of the case may require, under the provisions of the Form of Government, Chap. xiii. —1867, p. 369, O. S.

The report was adopted.

6. Resignation of an elder or deacon to be tendered to the Session, and to take effect when accepted.

Overture from the Presbytery of Troy, asking, "To whom shall a ruling elder or a deacon offer his resignation when desiring to retire from active service, and what constitutional steps are necessary to complete the act?"

The Committee recommend the following answer: The resignation should be to the Session; and it will take effect when accepted. Adopted.—1883, p. 626.

7. The removal of suspension restores all rights and privileges to an elder.

The Judicial Committee presented a report on a complaint of the Presbytery of Redstone against the exception of the Synod of Pennsylvania to the records of said Presbytery in the cases of J. M. Crawford and A. D. Boughner, elders.

The report was adopted, and is as follows:

The Judicial Committee has had referred to it a complaint of certain members of the Synod of Pennsylvania against the action of the Synod in taking exceptions to the minutes of the Presbytery of Redstone while in session in Washington, Pa., October 20–24, 1892. From an examination of said complaint, and of a certified copy of the minutes of Presbytery showing the action of the Presbytery to which the Synod took exceptions, the following facts appear:

On the 13th day of March, 1891, after a judicial trial by the Presbytery of Redstone, J. M. Crawford and A. D. Boughner, ruling elders in the congregation of Greensborough, were "suspended from office only." On the 10th day of November following, while in session at West Newton, the Presbytery, after due consideration of the matter, removed the suspension, and restored them "to their office only." Afterwards, at the same meeting of Presbytery, an additional resolution was adopted, restoring said elders to the active discharge of their duties as ruling elders in said congregation at Greensborough. To this action of the Presbytery the Synod took exception in the following language:

"The Presbytery, having suspended these elders 'from office only,' had the power in due time and in due form to restore them to office. But it was for the communicants of the congregation to say whether they should be reinstated in the full exercise of the office in that particular church."

Your Committee, having considered the record of said case, and the papers submitted to it, and having also examined the Book of Discipline and the decisions of the General Assembly, are of the opinion:

1. That the judgment of the Presbytery suspending said elders from office only, and not from the privileges of the Church, did not in any sense terminate finally the relation of said elders to said congregation.

2. That the removal of said suspension restored said elders to all of their rights and privileges (which had been temporarily *suspended only*), including the right to exercise the functions of active ruling elders in said congregation of Greensborough; and that, therefore, the second resolution of the Presbytery was mere surplusage, and cannot be complained of except upon that ground.

Your Committee, therefore, recommends the adoption of the following resolution:

Resolved, That said complaint be remanded to the Synod of Pennsylvania, with instructions to record in its minutes a copy of this report. Adopted.—1893, p. 151.

8. When an elder resigns, the Presbytery is not competent to order his restoration.

Dr. S. F. Day, declining to have his children baptized, his wife being a Baptist, the Session of Wooster Church, in which he was an elder, was advised by the Presbytery that in such a case (proposed *in thesi*) the elder should be removed from office. Hereupon Dr. Day gave notice to the Session that he resigned the eldership. At a subsequent meeting of Presbytery, upon a memorial from Dr. Day, the Presbytery reconsidered its action, and ordered the Session to restore him. Upon appeal the Synod sustained the Presbytery. A complaint was taken up by the pastor, the Rev. James H. Baird, and by the Session. The following was the decision:

Whereas, It appears from the record that Dr. Day was removed from

the Session of the Church of Wooster by his own resignation of his office in that church, and not by the judicial action of the Session, it was not competent to the Presbytery to order his restoration to office by the Session; and therefore the judgment of the Synod of Ohio confirming such action of the Presbytery was erroneous and ought to be and is hereby reversed, and the complaint of the Session, so far as it relates to this point, is sustained.—1854, p. 33, O. S.

[NOTE.—See above, Chap. ix, Sec. ii, p. 160, for a case where an elder refuses to act, and has left the church.—1869, p. 912, O. S.]

9. The official relations of an elder to his church terminate with his dismission.

The Presbytery of Iowa City desire the Assembly "to determine when the rights and privileges of ruling elders and private members cease, on their receiving letters of dismission; and whether the same rule obtains as in the dismission of ministers from a Presbytery."

The Assembly reply:

The established rule of the Presbyterian Church in relation to the dismission of a minister from his Presbytery is "that in all ordinary cases all the rights and privileges of an individual in a Presbytery cease when at his request his dismission is granted."

He may, however, within any reasonable time before he has used his letter of dismission, return it to the Presbytery, and then claim all his former rights and privileges; but until he has used his letter he is amenable to the Presbytery which has dismissed him.

Your Committee have not been able to find any specific rule in our Form of Government or in the *Digest* in relation to the dismission of ruling elders or of private members from any particular church, indicating the precise time when their rights and privileges in that church from which, at their own request, they may be dismissed cease; but we have no hesitation in declaring our belief that the same guardian care which is extended over dismissed members is, by the very genius and intent of our excellent Form of Government, designed also for the protection of regularly dismissed elders and private members, as well as for the preservation of the peace and purity of the Church.

We therefore respectfully recommend to this Assembly the adoption of the following resolutions: That,

1. The dismission of a ruling elder by letter from a church terminates his official relations with that church.

2. A letter of dismission, whether issued to a ruling elder or private member, terminates the relations of the person dismissed with the church giving the letter, except so far as said church is responsible for its watch and care over him during the period of transition.

3. These rights and privileges can be regained in that church by returning the letters of dismission to the authority which gave them.

4. These rights and privileges can be secured in any other church within the jurisdiction of this General Assembly, by virtue of such certificates, provided they are presented to the Session thereof within one year from their date; and until they are presented such persons are amenable to the church from which the certificates were received.—1867, p. 512, N. S.

[NOTE.—The "rights and privileges" referred to in No. 4 are those of membership only. See Book of Discipline, Chap. xi, Sec. 109. "Should he return the certifi-

cate within a year from its date, the Session shall make record of the fact, but he shall not thereby be restored to the exercise of the functions of any office previously held by him in that church." See, also, Form of Gov., Chap. xxii, in this *Digest*.]

VIII. If any particular church, by a vote of members in full communion, shall prefer to elect ruling elders or deacons for a limited time in the exercise of their functions, this may be done; *provided*, the full time be not less than three years and the Session or the Board of Deacons be made to consist of three classes, one of which only shall be elected each year; and *provided*, that elders, once ordained, shall not be divested of the office when they are not reëlected, but shall be entitled to represent that particular church in the higher judicatories when appointed by the Session or the Presbytery.—1886, p. 108.

[NOTE.—Sec. viii as adopted in 1875, *Minutes*, p. 521, had reference to elders only. In 1885 (*Minutes*, p. 689), request was made by the Presbyteries of Washington City, Cleveland and Denver asking for term service for deacons. The section was therefore amended (*Minutes*, 1886, p. 108) to read as above.]

1. Elders not reëlected on the adoption of term service cease to be acting elders in that particular church.

Overture from the Presbyteries of Wooster and Blairsville. As to the position of existing Sessions in churches which adopt the system of election of elders for a limited time, as provided for in Section viii, of Chap. xiii, Form of Government, your Committee recommend this answer: A constitutional rule must have power to effect whatever is necessary for its practical operation. So soon, therefore, as any particular church, under this new provision of the Constitution, shall determine, by a vote of its members, in full communion, to elect ruling elders for a limited time, and they shall be elected and set apart to their office, elders in office by virtue of an earlier appointment cease to be acting elders in that particular church—otherwise the Session would not consist of three classes, as in such cases required. Adopted.—1876, p. 74.

2. When reëlected, should be reinstalled.

a. From the Broadway Presbyterian Church of Rock Island, inquiring whether rotary elders, where reëlected, should be reinstalled.

Answered in the affirmative.—1878, p. 71.

b. A petition asking: Is the reinstallation of elders reëlected on expiration of their term of service, essential to the continued exercise of their office in that church, so that, unless reinstalled, they cease to be members of the Session?

The Committee recommend that your petitioner be referred to the action of the Assembly of 1878, *Minutes*, p. 71 (see a above). Adopted.—1880, p. 47.

3. The above not retroactive, and does not invalidate the action of the Session.

The following resolution, relative to the reinstallation of elders, was adopted:

Resolved, That the action of this Assembly on Overtures Nos. 11 and 18, reported on by the Committee on the Polity of the Church, in reference to the reinstallation of elders, is not intended to be retroactive, or in any way to affect the validity of the action of Sessions in which elders,

regularly elected but not reinstalled, may have sat as members.—1880, p. 84.

[NOTE.—For action on Overtures 11 and 18, see this *Digest*, p. 534. In both cases it is affirmed that an elder who has removed or resigned, or whose term of service has expired, must on reëlection be reinstalled.]

4. Reinstallation of a reëlected elder not essential to the validity of his office, but is more orderly.

a. Overture from the Presbytery of Rochester, asking the Assembly to allow congregations to reinstall reëlected ruling elders or not, according to their usage and discretion.

The Committee, referring to the action of the last Assembly, on the same subject (*Minutes*, 1880, pp. 47, 84), recommend the following answer: While it is not essential to the validity of his office that a ruling elder, reëlected in a church where the limited term service prevails, be reinstalled, it is nevertheless more orderly, that the fact of his reëlection be recognized by his reinstallation or in some way equivalent thereto. Adopted.—1881, p. 591.

b. Overture from the Central Church of Southeast, Presbytery of Westchester, asking for an interpretation of the instructions of the last Assembly regarding the reinstallation of reëlected elders. Your Committee recommend the following answer to be given by the Assembly: It was the evident intention of the last Assembly to recommend the reinstallation of elders when reëlected; and, to make its intention more definite, the Assembly hereby strikes out of the previous action the phrase, "or in some way equivalent thereto," and adopts it as its answer to their overture. Adopted.—1882, p. 98.

5. One or two elders may be elected under Sec. viii.

Overture from the Presbytery of Southern Dakota, concerning the construction to be placed upon Chap. xiii, Sec. viii, of the Form of Government, relating to the election of elders for a limited term: whether, in Home Missionary churches, one or two elders can be elected for a limited term.

The Committee recommend the following answer: When from necessity there can be but one elder, for the time being, he may be elected for three years, as provided in Chap. xiii, Sec. viii, and reëlected at the end of that term; and the division into classes as provided in that section should take place as the Session can be increased in number. Adopted.—1883, p. 626.

6. In introducing term service, one or more classes may be elected for less than three years.

In the first organization of Home Missionary churches, when from necessity there can be but two elders, how may the provisions of Form of Government, Chap. xiii, Sec. viii, be reconciled with the decision of the Assembly of 1884 (*Digest*, 1886, p. 548, 8) that "the provision of this section cannot be carried out should the elder be elected for a longer or shorter term than three years."

Also a paper from certain members of the Presbytery of Chicago, asking substantially the same question.

Your Committee would reply by referring to the principle laid down by the Assembly of 1876, p. 74 (*Digest*, 1886, p. 547, 2), viz.: "A constitutional rule must have power to effect whatever is necessary for

its practical operation." In the judgment of your Committee, if, in introducing the system of term service, it is found necessary to elect one or more classes for less than three years, so as ultimately to make the classes three, and the term of service three years, it is lawful to do so, in accordance with the principle stated above. Adopted.—1891, p. 106.

7. The term must be three years and the classes three.

Overture from the Presbytery of Erie, asking the following questions:

1. Is a Presbytery right in confirming the action of congregations which elect ruling elders for terms of four and five years?

2. Must the term of service of elders be only three years?

The Committee recommends the following answer: The Form of Government, Chap. xiii, Sec. viii, provides that ruling elders may be elected for "a limited time in the exercise of their functions . . . . provided the full term be not less than three years and the Session be made to consist of three classes, one of which only shall be elected every year." The provisions of this section cannot be carried out should the elders be elected for a longer or shorter term than three years. Adopted.—1884, p. 114.

[NOTE.—See No. 6, above; *Minutes*, 1891, p. 106.]

8. Elders not reëlected under this section may be delegated to the superior judicatories.

Overture from the Presbytery of Newton, with regard to the interpretation of the constitutional rule, Chap. xiii, Sec. viii. In the judgment of this Committee, this rule contemplates that the elders referred to, by due appointment of the Session or Presbytery, may become members of any of the courts of the Church above the Session. Adopted.—1876, p. 74.

CHAPTER XIV.

OF LICENSING CANDIDATES OR PROBATIONERS TO PREACH THE GOSPEL.

I. The Holy Scriptures require that some trial be previously had of them who are to be ordained to the ministry of the Gospel, that this sacred office may not be degraded by being committed to weak or unworthy men; and that the churches may have an opportunity to form a better judgment respecting the talents of those by whom they are to be instructed and governed. For this purpose Presbyteries shall license probationers to preach the Gospel, that after a competent trial of their talents, and receiving from the churches a good report, they may in due time ordain them to the sacred office.

1. Preaching without licensure condemned as irregular.

a. Upon information that David Evan, a lay person, had taken upon him publicly to teach or preach among the Welsh in the Great Valley, Chester county, it was unanimously agreed that the said Evan had done

very ill and acted irregularly in thus invading the work of the ministry, and was thereupon censured.

Agreed that the most proper method for advancing David Evan in necessary literature to prepare him for the work of the ministry is that he lay aside all other business for a twelvemonth, and apply himself closely to learning and study under the direction of Mr. Andrews, and with the assistance of Mr. Wilson and Anderson, and that it be left to the discretion of the said ministers when to put said Evan on trials, and license him publicly to teach or preach.—1710, p. 17.

b. The Assembly disapproves the conduct of Mr. McCalla in preaching the Gospel before he was regularly licensed.—1821, p. 21.

2. On the licensing and ordaining of women to preach the Gospel.

a. Overture No. 39, from the Presbytery of Brooklyn, requesting the Assembly to adopt and transmit to the Presbyteries for their approval such rules as shall forbid the licensing and ordaining of women to the Gospel ministry, and the teaching and preaching of women in our pulpits, or in the public and promiscuous meetings of the Church of Christ.

The Committee recommend this answer: That there is no necessity for a change in the Constitution of the Church touching this question; and the memorialists are referred to the deliverance of the Assembly of 1832, which expresses the judgment of this Assembly. Adopted.—1872, p. 89.

b. The deliverance referred to is as follows, viz.:

Meetings of pious women by themselves for conversation and prayer, whenever they can conveniently be held, we entirely approve. But let not the inspired prohibitions of the great apostle of the Gentiles, as found in his Epistles to the Corinthians and to Timothy, be violated. To teach and exhort or to lead in prayer, in public and promiscuous assemblies, is clearly forbidden to women in the holy oracles.—Pastoral Letter, 1832, p. 378.

3. Women may not fulfill the offices of public preachers.

a. "In sustaining the Presbytery of Newark as against the appeal of the Rev. I. M. See, the Synod holds that the passages of Scripture referred to in the action of Presbytery do prohibit the fulfilling by women of the offices of public preachers in the regular assemblies of the Church." The Assembly reaffirm the language above quoted from the decision of the Synod as expressing their own opinion.—1878, pp. 102, 103.

b. *The above reaffirmed.*

The Presbytery of Baltimore asks this Assembly for such an expression as will indicate clearly what should govern Presbyterian churches concerning the occupation of our pulpits by women.

In reply your Committee would call attention to the judicial deliverance of the General Assembly of 1878, sustaining the Presbytery of Newark in holding, "That . . . . passages of Scripture prohibit the fulfilling by women of the offices of public preachers in the regular assemblies of the churches" (*Digest* of 1886, p. 549).

We recommend the reaffirmation of the above deliverance of the General Assembly as in perfect harmony with the Constitution of our Church. Adopted.—1896, p. 148.

4. The Board of Education.

[NOTE.—For Plan and Charter of the Board of Education, see pp. 352-356.]

II. Every candidate for licensure shall be taken on trials by that Presbytery to which he most naturally belongs; and he shall be considered as most naturally belonging to that Presbytery within the bounds of which he has ordinarily resided. But in case any candidate should find it more convenient to put himself under the care of a Presbytery at a distance from that to which he most naturally belongs, he may be received by the said Presbytery on his producing testimonials, either from the Presbytery within the bounds of which he has commonly resided, or from any two ministers of that Presbytery in good standing, of his exemplary piety and other requisite qualifications.

1. The usage under the Synod, prior to adoption of the Constitution.

In answer to the third query, the Synod judge that any student in divinity who professes a design to enter into the ministry has a right in our present situation to study for his improvement under the direction of any divine of reputation in the Synod, according to a former act; but that when he proposes to enter upon trials with a view to the ministry he shall come under the care of that Presbytery to which he most naturally belongs, and he shall be deemed most naturally to belong to that Presbytery in whose bounds he has been brought up and lived for the most part and where he is best known. But if another Presbytery desire that any student or students should come into their bounds, or if any such student or students, for greater conveniency, or from any circumstances that make it necessary, desire to enter upon trials in a different Presbytery, upon his offering satisfactory reasons he may be dismissed; but in either case the Presbytery to which he removes shall not receive nor admit him to come under trials upon his having a certificate as a regular church member only, but he shall bring a testimonial from the Presbytery or several neighboring ministers where he lived, recommending him as a candidate for the ministry of exemplary piety and holiness of conversation. Nor shall any thing less be esteemed a sufficient recommendation. —1764, p. 337.

2. Licensure by bodies other than those within whose bounds the candidate expects to labor disapproved.

Though the Synod entertains a high regard for the associated churches of New England, yet we cannot but judge that students who go to them or to any other than our own Presbyteries to obtain license in order to return and officiate among us act very irregularly, and are not to be approved or employed by our Presbyteries, as hereby we are deprived of the right of trying and approving the qualifications of our own candidates; yet if any case may happen wherein such conduct may in some circumstances be thought necessary for the greater good of any congregation, it shall be laid before the Presbytery to which the congregation belongs and approved of by them.—1764, p. 338.

[NOTE.—For action condemning the licensing of a candidate of one Presbytery by another without regular dismission, see F. G., Chap. x, Sec. viii, p. 191.]

3. Candidates should be placed under the care of Presbytery.

a. It is recommended to the agencies and Committees to endeavor to have the young men aided by the Church, especially in their theological studies, placed under the care of Presbyteries, and that in all ordinary cases they be licensed by those Presbyteries to which they naturally belong.—1854, p. 507, N. S.; confirmed, 1894, p. 126.

b. It is recommended that the young men aided by the Assembly's Committee be ordinarily placed, as soon as possible, under the care of Presbyteries, and that in all ordinary cases they be licensed, if convenient, by the Presbyteries to which they naturally belong.—1856, p. 224, N. S.; 1894, p. 126.

c. *Resolved*, That candidates should be required to put themselves under the care of Presbytery as soon as possible, and receive careful supervision during their entire course, and that whatever arrangements the Presbyteries may deem expedient to facilitate their training, these arrangements should not be such as will tend to shorten the full term of study or induce an absence from their classes at either the opening or closing of the seminary sessions.—1857, p. 31, O. S.; 1894, p. 126.

[NOTE.—See also *Minutes*, 1864, p. 315, O. S.]

4. Instructions to the Presbytery of New York in the case of theological students pursuing studies in certain theological seminaries.

a. "The Presbytery of New York overtures the General Assembly to instruct it in its relation to its duty towards students applying to be taken under its care, who are pursuing or purpose to pursue their studies in theological seminaries respecting whose teaching the General Assembly disavows responsibility."

The Committee recommend that the following answer be given:

We recognize the general principle that a young man should stand on his merits, as revealed by examination, for entrance into the Presbyterian ministry, yet:

1. It is the genius of the whole Presbyterian system to educate its ministers through careful training and Presbyterial supervision, "and to make effectual provision that all who are admitted as teachers be sound in the faith" (Form of Government, Sec. v, Chap. i).

2. Our book requires that "except in extraordinary cases," before licensure the candidate "shall have studied divinity at least two years under some approved divine or professor of theology" (Form of Government, Sec. vi, Chap. xiv).

3. The General Assembly of 1806 recommended every Presbytery under their care "to inspect the education of these youth (those preparing for the ministry), during the course of both their academic and theological studies, choosing for them such schools, seminaries and teachers as they may judge most proper and advantageous; so as eventually to bring them into the ministry well furnished for their work" (Baird's *Digest*, p. 398).

4. The General Assembly of 1894 affirmed, that it is the privilege of the Presbytery to direct "the education of their students within reasonable limits, in schools approved by the General Assembly, and to prohibit their attendance at institutions disapproved by the same" (*Minutes*, 1894, p. 125).

b. Therefore, inasmuch as obedience to the Constitution of the Church is obligatory on all Presbyteries, we recommend that, in accordance with the provisions of the Form of Government above cited, the Presbytery of New York be instructed and enjoined not to receive under its care for licensure, students who are pursuing or purpose to pursue their studies in theological seminaries respecting whose teaching the General Assembly disavows responsibility. Adopted.—1895, pp. 16, 17.

5. The above action explained and reaffirmed; does not relate to the licensing of candidates.

The Judicial Committee presented its report on the response of the Presbytery of New York to the action of the Assembly of 1895, which was received and adopted, and is as follows:

The Judicial Committee submit and recommend the adoption of the following answer to the "Response" of the Presbytery of New York to the answer of the General Assembly to the Presbytery's overture as recorded in the *Minutes* of the General Assembly of 1895 (pp. 76, 77), referred to the Judicial Committee by the General Assembly from the Committee on Bills and Overtures, viz.:

1. The General Assembly of 1896 reaffirms the action of the General Assembly of 1895 concerning the reception by Presbyteries of students as candidates who are "pursuing or intending to pursue their theological studies in seminaries for whose instructions the General Assembly disavows responsibility." In so doing we call attention to the fact that the Presbytery of New York last year asked the General Assembly to instruct it in relation to its duty towards students applying to be taken under its care and that the Assembly in response instructed it, using substantially its own words. The action of the Assembly did not relate to the licensing of candidates, but to the reception of students asking to be taken under care. It fully recognized the right of the Presbytery to determine the qualifications of candidates for licensure. We also express our understanding of the words "instruct" and "enjoin" in last year's action to be simply an emphatic repetition in the expression of its response to the Presbytery of New York touching the specific question overtured.

2. We call attention to the difference in status between "ministers from other denominations" on the one hand, and students seeking to enter the ministry of the Church on the other hand, in the relation they sustain or seek to sustain to the Church.

As to ministers "from other denominations," the General Assembly having had no care or supervision of their theological instruction, requires an examination as to their change, and reasons therefor, of conviction in doctrinal belief and in the Form of Church Government, and of their approval of and sincere acceptance of the Standards of the Church.

On the other hand, students seeking to come under the care of Presbyteries as candidates for the Gospel ministry have no Presbyterial or ecclesiastical status, save what is implied in church membership, but having a purpose to qualify themselves in doctrinal belief, for the Gospel ministry, it is indispensable for the purity of the Church in doctrine and polity, that Presbyteries in receiving them under their care, so direct them in all cases when necessary, and if need be, require them to pursue their theological studies "under some approved divine;" or in institu-

tions or seminaries which have not been disapproved by the Church, that their instruction may be in all respects in accord with the doctrine and polity of the Church into whose ministry they are seeking to enter.

3. While fully recognizing the constitutional right of Presbyteries in the matter of licensing candidates for the ministry (Form of Government, Chap. xiv), we are nevertheless urgent that Presbyteries have special care of their examinations in subjects required by the Form of Government, Chap. xiv, Sec. iv, and that due respect be given to the deliverances of the General Assembly in the matter of the education of students for the Gospel ministry.

4. We are equally urgent that the same care be taken by Presbyteries in their examinations of ministers coming to us from foreign bodies, that is urged upon them in the licensure of candidates already under the care of Presbyteries.—1896, pp. 160–162.

6. The above action (4 and 5) universal in application.

The Judicial Committee reported:

Judicial Case No. 2, an appeal of A. P. Ketchum, Esq., and twenty-one others, against the Synod of New York, and

Judicial Case No. 3, a complaint of Rev. Robert Russell Booth, D.D., LL.D., and forty-four others against the same Synod.

Both cases are against the same action of the Synod.

The appellants, being also complainants, consent to withdraw the appeal.

The complaint is in order. But we believe the differences can be satisfactorily settled for all parties, and for this purpose we recommend the adoption of the following, to wit:

The answer of the General Assembly of 1895 to the Presbytery of New York declares that "obedience to the Constitution of the Church is obligatory on all the Presbyteries."

The words "instruct" and "enjoin" in this answer, reaffirmed and explained in 1896, are to be regarded as universal in their application; and also, "the right of the Presbytery to determine the qualifications of candidates for licensure," is a declaration applicable to all Presbyteries alike.

This Assembly emphasizes the fact that all the Presbyteries of the Church are under one Constitution, and that what is lawful in one is lawful in all, and that what is unlawful in one is unlawful in all. And the Presbyteries in the exercise and discharge of their rights and obligations are subject to the Constitutional powers of the higher judicatories.

The report was adopted.—1897, p. 41.

7. Careful supervision to be exercised both in receiving candidates and over their studies.

Resolved, That this Assembly renew the resolution of the Assembly of last year (*Minutes*, p. 524), and "earnestly urge all our Presbyteries and Committees *ad interim* to guard with a becoming caution and a firm vigilance the door to the holy office of the ministry so as not to admit to that sacred calling men wanting in mental and moral qualifications for its high and holy functions." And furthermore, as a means of excluding improper persons, that this Assembly enjoins upon every Presbytery which has not so done to appoint a Committee, whose duty it shall be to make careful inquiry as to the conduct and progress in study of all the

candidates under its care, and to make report to their Presbytery at every stated meeting, or oftener if Presbyterial action is needed.—1860. p. 25, O. S.

8. No candidate to be received by the Board until he has been a Church member one year and passed classical studies for one year.

That it be recommended that the Board of Education hereafter receive no candidate for the ministry, until he has been a member of the Church at least one year, and has also passed his classical studies, for an academic year; except in extraordinary cases to be determined by the Board.

That increased care be enjoined upon the Presbyteries in bringing forward or recommending candidates for the sacred ministry.—1872, p. 19.

9. Candidates must connect themselves with the Presbytery to which they naturally belong.

a. That the candidates of the Board be required to connect themselves with the Presbyteries to which they naturally belong, unless for extraordinary reasons, of which the Presbyteries must be the judge.—1872. p. 19.

b. *Should retain their connection with that Presbytery.*

Overture from the Presbytery of St. Lawrence, asking the Assembly "to enjoin upon candidates for the ministry to retain their connection with the Presbyteries to which they naturally belong by residence and church membership; also to enjoin Presbyteries not to receive such candidates unless they have received dismission from the Presbyteries to which they naturally belong, as above specified; also to enjoin the Board of Education carefully to examine into any such cases, and only in extreme instances to allow the funds of the Board to be paid to candidates who do not receive such funds through the Presbyteries to which they naturally belong.

The Committee recommends the Assembly to call the attention of the Presbyteries to the Constitution of the Church, and to the action of the Assembly of 1872, and to urge them to a more careful observance of the principles then laid down, in order, as far as possible, to secure the ends contemplated in the overture. Adopted.—1884, p. 77.

c. *Exceptional case, where no Presbytery exists.*

The Committee, however, are of the opinion that in cases of this sort, each should be judged by its own circumstances, and that so far as the way is not positively closed by law, necessity should be regarded as justifying unusual action. They are of opinion that, in accordance with the spirit of Chap. xiv, Sec. 2, of the Form of Government, relating to licensure, it would be competent for a candidate on a foreign field where no Presbytery exists to put himself under the care of a home Presbytery, by virtue of letters from missionaries on that field, and then subsequently by a commission appointed by that Presbytery, after due examination, to license and to ordain him, and then to report his name for enrollment in the Presbytery authorizing the step.—1887, p. 25.

[NOTE.—See report of Committee on the Ecclesiastical Relations of Foreign Missionaries, *Minutes*, 1887, pp. 18–25.]

10. A mission has no authority to license or ordain.

[NOTE.—See *Minutes*, 1896, p. 146; F. G., Chap. xv, Sec. xv, p. 575.]

11. Deliverance on the relation sustained by students who have been taken under the care of a Presbytery to the Presbytery receiving them.

Overture, being a memorial from the Presbytery of New Brunswick, in the case of William J. Krieger. In answer to the Presbytery of New Brunswick, asking instructions in the case of Mr. William J. Krieger, the Committee recommend in the matter of the relation which students who have been received under the care of a Presbytery sustained to the Presbytery receiving them, the following interpretation of former deliverances of the General Assembly be affirmed and declared by this Assembly, viz.:

That it is the duty of such students, whether receiving aid from the Board of Education or not, to consult their Presbytery before changing their church relation or the school in which they are pursuing their studies; that it is the privilege of the Presbytery to direct their education within reasonable limits in schools approved by the General Assembly, and to prohibit their attendance at institutions of learning disapproved by the same This interpretation of the law is obvious, because:

1. The recommendations of the Church upon the subject of candidates are, that the candidate usually comes under the care of that Presbytery to which he most naturally belongs, and he shall be deemed most naturally to belong to that Presbytery in whose bounds he has been brought up and lived for the most part, and where he is best known (F. G., Chap. xiv, Sec. ii).

2. If, however, a student under care of Presbytery should desire for greater convenience to enter into a different Presbytery, upon his offering satisfactory reasons he may be dismissed. In such case the Presbytery to which he removes shall not receive or admit him to come under trials upon his having a certificate as a regular church member only, but he shall bring a testimonial from the Presbytery or several neighboring ministers where he lived, recommending him as a candidate for the ministry, of exemplary piety and holiness of conversation, nor shall anything else be deemed a sufficient recommendation (F. G., Chap. xiv, Sec. ix).

3. That candidates should be required to put themselves under the care of Presbytery as soon as possible, and receive careful supervision during their entire course (*Minutes* of N. S. Assembly, 1856, p. 223, and 1854, p. 506; Moore's *Digest*, 1886, p. 365).

4. A rule of the Board of Education (report of 1893, p. 41) is as follows: "The Board can rely only upon the Education Committee of each Presbytery for the regular care of its own candidates, which should include the constant exercise of a parental oversight over them in spiritual things, and the counsel they need as to their mode of preparation, their place of study and their trials, and the occupation of their time when not engaged in study, in employments which tend to qualify them for effective usefulness as pastors or evangelists."

This rule has been enforced since the Reunion.

5. In the case before us, the Presbytery of Dubuque, for reasons sufficient in their judgment, declined to dismiss the candidate, William J. Krieger, to the Presbytery of New Brunswick. The candidate, however, obtained a letter of dismission from the church of his home to the church in Princeton. This we deem to have been irregular and

wrong, as the policy of the Church is, that the church letter of the candidate should remain within the bounds of the Presbytery under whose care he has placed himself. We recommend that candidates be not allowed to take their church letters out of the bounds of the Presbytery which has charge over them until they are dismissed to the care of another Presbytery into whose bounds they may then be taken.

6. In the case before us, considering all the circumstances, we would recommend that the Presbytery of Dubuque dismiss the candidate, William J. Krieger, to the care of the Presbytery of New Brunswick.

We make these recommendations under the guidance of Sec. 5, of Chapter xii, of the Form of Government, which reads as follows: "To the General Assembly also belongs the power of deciding in all controversies respecting doctrine and discipline," the word discipline being used in a governmental sense.—1894, pp. 125, 126.

12. The Assembly's power over the education of students. Presbyteries directed to supervise.

After maturely deliberating on the overture, the Assembly determined, that the part of it which relates to the selection and education of young men of piety and talents for the Gospel ministry, presents a plan which they consider as well deserving their countenance and support. But as the Presbyteries, of which the Assembly have the oversight, are scattered over a wide extent of country, and their circumstances are known to be extremely various, it occurred that an absolute injunction on all the Presbyteries, immediately to enter into the execution of the plan proposed, might bear hard on some, if not be entirely incapable of execution: on the other hand, merely to recommend an attention to the plan, without attaching any responsibility to the neglect of the recommendation, appeared to the Assembly incompatible with the high importance of the subject, and with their own duty as guardians of the Church, bound especially to provide for their people a supply of the Word of Life. It was, therefore, determined to take a middle course between these extremes, so as to avoid, if possible, the inconveniences of both. With this in view it was resolved to recommend, and the Assembly do hereby most earnestly recommend to every Presbytery under their care, to use their utmost endeavors to increase, by all suitable means in their power, the number of promising candidates for the holy ministry: to press it upon the parents of pious youth, to endeavor to educate them for the Church; and on the youth themselves, to devote their talents and their lives to the sacred calling; to make vigorous exertions to raise funds to assist all the youth who may need assistance; to be careful that the youth they take on their funds give such evidence as the nature of the case admits, that they possess both talents and piety; to inspect the education of these youth, during the course of both their academical and theological studies, choosing for them such schools, seminaries, and teachers, as they may judge most proper and advantageous; so as eventually to bring them into the ministry, well furnished for the work. And the Assembly did, and do hereby order, that every Presbytery under their care make annually a report to the Assembly, stating particularly what they have done in this concern, or why (if the case shall so be) they have done nothing in it; and that the Assembly will, when these reports are received, consider each distinctly, and decide by vote, whether the Presbyteries severally

shall be considered as having discharged or neglected their duty in this important business.—*Minutes* (Reprint), 1806, pp. 366, 367.

13. Presbyteries to choose seminaries, etc., for all students.

Resolved, 2. That in view of the extreme importance of safeguarding the polity and doctrine of our Church, this General Assembly affirms as applicable to all theological students the deliverance made by the General Assembly of 1806 (*Minutes*, as reprinted, p. 367), concerning students who received aid from the Presbyteries, viz., that the Presbyteries inspect their education "during the course of their theological studies, choosing for them such schools, seminaries and teachers as they may judge most proper and advantageous, so as eventually to bring them into the ministry well furnished for their work.—1897, p. 58.

14. Rules of the Board of Education, in relation to students.

[NOTE.—The Board of Education has adopted rules governing the pecuniary assistance given to students, and these have been approved by the General Assembly. See for their text, pp. 357–362.]

III. It is proper and requisite that candidates applying to the Presbytery to be licensed to preach the gospel, produce satisfactory testimonials of their good moral character, and of their being regular members of some particular church. And it is the duty of the Presbytery, for their satisfaction with regard to the real piety of such candidates, to examine them respecting their experimental acquaintance with religion, and the motives which influence them to desire the sacred office. This examination shall be close and particular, and in most cases may best be conducted in the presence of the Presbytery only. And it is recommended that the candidate be also required to produce a diploma of bachelor or master of arts, from some college or university, or, at least, authentic testimonials of his having gone through a regular course of learning.

1. A liberal education required.

a. Through the Committee of Overtures it was requested by the first Presbytery of Philadelphia that the Synod declare to them their sense on this point, viz., whether a person without a liberal education may be taken on trials or licensed to preach the Gospel. The question being put, it was carried in the negative.—1783, p. 499.

b. An overture was brought in in the following terms, viz.: "Whether in the present state of the Church in America, and the scarcity of ministers to fill our numerous congregations, the Synod or Presbyteries ought therefore to relax, in any degree, in the literary qualifications required of intrants into the ministry," and it was carried in the negative by a great majority.—1785, p. 511.

c. *To keep pace with the progress of society and letters.*

Your Committee recommend to the General Assembly to enjoin it upon all their Presbyteries to take the most effectual order in their power to increase, if possible, the qualifications of candidates for the Gospel ministry with regard both to sincere piety and solid and extensive learning, that the improvements of the pulpit may keep full pace with the progress of society and letters.—1799, p. 181.

d. *Letter to Rev. David Rice on thorough literary training for the ministry.*

[NOTE.—See *Minutes* (*Reprint*), 1804, p. 299; *Digest*, 1886, p. 367.]

2. Liberal education waived in certain cases.

a. *Case of John Griffith that he might minister to the Welsh people.*

That those of the Welsh here who testify to the Synod concerning his useful preaching and pious conduct are known to be men of judgment and integrity; and as the circumstances of that people are singular, and no other way appears in which they can enjoy ordinances, the Synod agree that the said Mr. John Griffith, though he has not the measure of school learning usually required, and which they judge to be ordinarily requisite, be ordained to the work of the ministry, and appoint Messrs. Samuel Davies, Dr. Allison, Treat Hunter and Kettletas, to be a Presbytery *pro re nata* to ordain him.—1759, p. 289.

[NOTE.—Mr. Griffith was accordingly ordained.]

b. *Case of John Gloucester, a colored man.*

In connection with a communication from the Presbytery of Union, it was

Resolved, 1. That the General Assembly highly approve the caution and prudence of the Presbytery of Union in this case. 2. That considering the circumstances of this particular case—viz., the evidence of unusual talents, discretion and piety possessed by John Gloucester—the good reason there is to believe that he may be highly useful in preaching the Gospel among those of his own color, and the various difficulties likely to attend a further delay in proceeding in this case, the General Assembly did and hereby do authorize the Presbytery of Philadelphia to consider the case of John Gloucester, and if they think proper to license him to preach the Gospel.—*Minutes* (*Reprint*), 1807, p. 387.

[NOTE.—Mr. Gloucester was licensed.]

3. Great caution prescribed in exceptional licensures.

Overture from the Trustees of Lincoln University in regard to the licensure and the aid of young colored men seeking the ministry. To this overture the Committee recommend the following answer:

1. The General Assembly has no authority to modify the regulations of our Form of Government, in respect to the qualifications of licentiates, so as to make provision for any class of exceptional cases. At the same time, the Assembly recognizes the propriety of the exercise, by Presbyteries, of a wise discretion in their administration of the functions entrusted to them by the Church, in view of the great work to be done by our Church among the colored people in this country. The Assembly specially accords such discretion to those Presbyteries which are providentially brought into special relations to that work; meanwhile, in view of the experience of several years, enjoining upon such Presbyteries the obligation to take great care, lest any incompetent or unworthy men be admitted into the ministry of our Church. Adopted.—1876, p. 72.

4. In what cases aid shall be withdrawn.

[NOTE.—Amendment to Art. vi, Sec. iv, Rules of the Board of Education, p. 359.]

If at any time there be discovered in a student such defect in capacity, diligence, and especially in piety, as would render his introduction in

the ministry a doubtful measure, it shall be the sacred duty of the Board to communicate without delay the information received to the Education Committee of his Presbytery; and if, on careful inquiry on the part of the Presbytery, no satisfactory explanation of the defect can be obtained, or if no response be received by the Board from the Presbytery or from their Committee on Education within the current quarter, it shall be the duty of the Board to withdraw their aid altogether.—1878, p. 49.

5. A candidate must be a member of some particular Presbyterian Church.

Overture from a member of the Presbytery of Whitewater, asking, "May Chap. xiv, Sec. iii, and first clause of our Form of Government be so construed as to allow a Presbytery to license a member of a Methodist Episcopal, or Congregational, or other evangelical Church, without his first becoming a member of a Presbyterian church? Or does the expression 'some particular church' mean some particular Presbyterian church?"

The Committee recommend that, inasmuch as the candidate must be under the care of the Presbytery, and promise to submit himself to its government, the Assembly answer the overture in the negative, and define the phrase "some particular church" to mean some particular Presbyterian church. Adopted.—1874, p. 84.

IV. Because it is highly reproachful to religion, and dangerous to the Church, to entrust the holy ministry to weak and ignorant men, the Presbytery shall try each candidate, as to his knowledge of the Latin language, and the original languages in which the Holy Scriptures were written. They shall also examine him on the arts and sciences; on theology, natural and revealed; and on ecclesiastical history, the sacraments, and church government. And in order to make trial of his talents to explain and vindicate, and practically to enforce, the doctrines of the gospel, the Presbytery shall require of him,

1. A Latin exegesis on some common head in divinity.

2. A critical exercise; in which the candidate shall give a specimen of his taste and judgment in sacred criticism, presenting an explication of the original text, stating its connection, illustrating its force and beauties, removing its difficulties and solving any important questions which it may present.

3. A lecture or exposition of several verses of Scripture; and,

4. A popular sermon.

1. The "Latin Exegesis" not stricken out.

Overtures from the Presbyteries of Genesee, Geneva and Nassau, asking for an amendment to the Form of Government, with a view to the omission of the Latin exegesis from the parts of trial required at the examination of probationers for the ministry. The Committee would recommend that, as a sufficient relief is afforded by the right of Presbytery to make exceptions, it does not seem needful to propose any constitutional amendments. Adopted.—1893, p. 71.

2. Presbytery has discretion as to a substitute.

Overture from the Presbytery of Utica, asking the General Assembly to overture the Presbyteries to amend the Form of Government, Chap. xiv, Sec. iv, so that the words, "The Latin exegesis on some common head of divinity," be stricken out, and the following words substituted: "An essay or dissertation on some prescribed subject in Christian theology."

Your Committee would recommend that this Overture be answered in the negative, for the following reason: That Presbyteries are at liberty, under our Constitution, to substitute such dissertation or essay at their discretion. Adopted.—1893, p. 117.

3. Examination in the English Bible mandatory.

Resolved, That the General Assembly, acting under *Sec. 6, Chap. xii*, of the Form of Government, hereby declares that the following Constitutional Rule having been adopted by a majority of the Presbyteries is a law of the Church, viz.: "Candidates for licensure, in addition to the examination required by Chap. xiv, Sec. 4, of the Form of Government, shall be diligently examined in the English Bible and shall be required to exhibit a good knowledge of its contents and of the relation of its separate parts and portions to each other." And the General Assembly further directs that this rule shall be known as Constitutional Rule No. 2, and shall be appended to the Constitution of the Church.

The Moderator announced that Constitutional Rule No. 2 had been adopted and enacted, and was therefore a part of the law of the Church. —1897, p. 119.

V. These, or other similar exercises, at the discretion of the Presbytery, shall be exhibited until they shall have obtained satisfaction as to the candidate's piety, literature and aptness to teach in the churches. The lecture and popular sermon, if the Presbytery think proper, may be delivered in the presence of a congregation.

1. Examination in the Catechisms recommended.

That the Presbyteries be required to see that the candidates for licensure be well versed in the Catechisms and well furnished with Scripture proof texts. Adopted.—1868, p. 654, O. S.

VI. That the most effectual measures may be taken to guard against the admission of insufficient men into the sacred office, it is recommended that no candidate, except in extraordinary cases, be licensed unless, after his having completed the usual course of academical studies, he shall have studied divinity at least two years under some approved divine or professor of theology.

[NOTE.—For the power of Presbytery in choosing schools, seminaries, etc., for students, see Nos. 4–12, pp. 546–551.]

1. Effort to extend the time of study to three years.

a. On motion, *Resolved*, That it be recommended to the several Presbyteries of this Church to consider whether it would be proper to extend the time necessary for young men to apply to the study of divinity before they be taken on trials to three years at least, and to send up a report of their opinion to the next General Assembly.—1792, p. 60.

[NOTE.—No action of Presbyteries is reported in later records.]

b. *Rule of a lower judicature unconstitutional.*

The records (of the Synod of New York and New Jersey) were approved, except a vote of that Synod by which they determine it to be constitutional for that Synod to enact, "That, in future, candidates who have the Gospel ministry in view be required to attend to the study of divinity at least three years before licensure," which vote was determined by the Assembly to be unconstitutional.—1792, p. 59.

c. *Overture sent down, but not adopted.*

Overture No. 6 was taken up, viz.: Requests from several Presbyteries that the sixth section of Chap. xiv of our Form of Government might be sent down to the Presbyteries to be so altered as to read "to study theology at least three years, etc." The overtures were read, and it was resolved that the proposed alteration be sent down as an overture to the Presbyteries, and that the Presbyteries be required to send up their answer to this overture in writing to the next General Assembly.—1835, p. 475.

[NOTE.—To this overture, in 1836, thirty-five answered in the affirmative and twenty in the negative. Not a majority. The overture was again referred to the Presbyteries, and in 1837 fifty-two Presbyteries reported in favor and thirty-eight against. Still not a majority, and the matter was dropped.—1836, p. 276; 1837, p. 438.]

2. Full term of three years urgently recommended.

a. *Resolved*, That this Assembly entirely concur in the opinion expressed in the report of the Board of Directors of the theological seminary at Princeton, that it is highly important that theological students continue the full time of three years in the seminary, and complete the whole course of studies prescribed in the plan.—1834, p. 437.

b. *Resolved*, 1. That this Assembly do approve of the resolution passed by the Board of Directors at their late meeting with a view of securing the attendance of students during a full course of theological instruction in our seminary.

Resolved, 2. That the Assembly notice with regret the prevalence of what they deem a serious evil, not only to the seminary, but to the Church at large, in the number of students who annually leave the institution before the prescribed course of studies is completed. And they do earnestly recommend to the students, if practicable, to continue the full time prescribed in the plan.—1826, p. 179.

c. *Resolved*, That in the opinion of this house it is in general highly inexpedient for candidates for the ministry to apply for licensure at such a period of their course of study as would prevent them from finishing the three years' plan of studies adopted and approved by former Assemblies.—1843, p. 187, O. S.

3. A pledge to a three years' course not unconstitutional.

Resolved, That the General Assembly are deeply impressed with the importance of a thorough course of theological study, and would earnestly recommend to their Presbyteries to elevate the standard of education, and that the rule of the Board of Education does not conflict with the Constitution when it prescribes the time of study, inasmuch as the Constitution makes two years the shortest time allowed to complete the course of theological study, but does not prescribe the maximum.—1844, p. 375, O. S.

4. Regulations as to extraordinary cases.

In respect to the "extraordinary cases" provided for in our Form of Government, Chap. xiv, Sec. vi, the discretionary power vested in the Presbyteries should be exercised with great caution and with supreme regard to the welfare of the entire Church. Wherever the full collegiate course is found to be impracticable, the student should be required to pursue, not a short or partial, but a full course of three years in some theological institution, and this course should be introduced, wherever possible, by at least one year of special preparatory training. The candidate for such exceptional course should be not less than twenty-five years of age, of special promise as to talents and capacity for usefulness, and of approved piety, having a fair degree of education, and so circumstanced providentially, that he can prosecute to the end whatever studies the Presbytery may prescribe. As cases of this kind are presenting themselves in considerable numbers, our theological seminaries are advised to provide suitable courses of study in which the full period of three years may be profitably employed, and are authorized to receive such persons under their instruction when they are duly approved by the Presbyteries. The Presbyteries are also hereby required to make a full record of their action in each instance of this class, including a statement of the several exceptions allowed and this record should be furnished to the faculty of the institution where such student is received.—1891, p. 177.

[NOTE.—See under Sec. xi, 2 and 3, p. 559.
See, also, report in full of "the special committee to which was referred the report of the special committee on increasing the number of ministers."—*Minutes*, 1891, pp. 167–178.]

VII. If the Presbytery be satisfied with his trials, they shall then proceed to license him in the following manner: The moderator shall propose to him the following questions: viz.

1. Do you believe the Scriptures of the Old and New Testaments to be the Word of God, the only infallible rule of faith and practice?

2. Do you sincerely receive and adopt the Confession of Faith of this Church, as containing the system of doctrine taught in the Holy Scriptures?

3. Do you promise to study the peace, unity, and purity of the Church?

4. Do you promise to submit yourself, in the Lord, to the government of this Presbytery, or of any other Presbytery in the bounds of which you may be called?

1. Form for licensing local evangelists.

Overture from the Presbytery of Troy, asking the Assembly to provide a form for the licensing of local evangelists. It is recommended that the form for licensing probationers for the Gospel ministry, Chap. xiv, Sec. vii, of the Form of Government, be followed as far as paragraph (4), for which paragraph shall be substituted the following: "Do you promise to submit yourself in the Lord to the government of this Presbytery during the period of your service in it as a local evangelist?" And in Sec. viii, where occurs the formula of licensure, for the phrase, "Wherever God in His providence may call you," substitute the

phrase "Within the bounds of this Presbytery." Adopted.—1894, p. 88.

[NOTE.—See, also, under Constitutional Rule No. 1, p. 330.]

VIII. The candidate having answered these questions in the affirmative, and the moderator having offered up a prayer suitable to the occasion, he shall address himself to the candidate to the following purpose:—"In the name of the Lord Jesus Christ, and by that authority which he "hath given to the Church for its edification, we do license you to preach "the gospel, wherever God in his providence may call you: and for this "purpose, may the blessing of God rest upon you, and the Spirit of Christ "fill your heart.—*Amen!*" And record shall be made of the licensure in the following or like form: viz.

At the day of the Presbytery of having received testimonials in favor of of his having gone through a regular course of literature; of his good moral character; and of his being in the communion of the Church: proceeded to take the usual parts of trial for his licensure: and he having given satisfaction as to his accomplishments in literature; as to his experimental acquaintance with religion; and as to his proficiency in divinity and other studies; the Presbytery did, and hereby do, express their approbation of all these parts of trial: and he having adopted the Confession of Faith of this Church, and satisfactorily answered the questions appointed to be put to candidates to be licensed; the Presbytery did, and hereby do license him, the said to preach the gospel of Christ, as a probationer for the holy ministry, within the bounds of this Presbytery, or wherever else he shall be orderly called.

1. Record of licensure may be made in like form.

Is it right for a Clerk of Presbytery, in recording the licensure of a candidate, to use any other form than that prescribed in the book?

Answered in the affirmative. See above: "And record shall be made of the licensure in like form."—1866, p. 54, O. S.

IX. When any candidate for licensure shall have occasion, while his trials are going on, to remove from the bounds of his own Presbytery into those of another, it shall be considered as regular for the latter Presbytery, on his producing proper testimonials from the former, to take up his trials at the point at which they were left, and conduct them to a conclusion, in the same manner as if they had been commenced by themselves.

[NOTE.—See case of William J. Krieger, under Sec. ii, p. 550.]

X. In like manner, when any candidate, after licensure, shall, by the permission of his Presbytery, remove without its limits, an extract of the record of his licensure, accompanied with a Presbyterial recommendation, signed by the Clerk, shall be his testimonials to the Presbytery under whose care he shall come.

XI. When a licentiate shall have been preaching for a considerable time, and his services do not appear to be edifying to the churches, the Presbytery may, if they think proper, recall his license.

1. Limitation of the time to which a license shall extend to four years.

Overture from the Synod of Philadelphia, asking the Assembly to define more explicitly the relations of Presbyteries to their licentiates. Also, from the Presbytery of Philadelphia North, and from the Presbytery of Northumberland, on the same subject.

The Committee recommend the Assembly to adopt the following rules:

1. Every license to preach the Gospel shall expire at the end of the period of four years, unless the candidate holding the same shall, before the expiration of that time, be called to permanent labor in the work of the Church. But the Presbytery under whose care such licentiate may be, may, in its discretion, extend his license for the period of one year.

2. The Presbyteries are enjoined to take the oversight of their licentiates and their vacant churches, bringing in the one for the supply of the other, and, through the Home Missionary Committees of the Synods to which the Presbyteries belong, to seek to introduce their candidates to the widest fields of labor, and to furnish them full opportunity of practically showing their fitness for the Christian ministry. Adopted. —1872, p. 87.

2. Length of license of local evangelists.

a. Overture No. 65, from the Presbytery of St. Cloud, concerning the interpretation of "Constitutional Rule No. 1." It is recommended that Question 1—"Is a Constitutional Rule of the same force as if it were incorporated in the Form of Government?"—be answered in the affirmative. That Question 2—"Is the rule to be applied to all local evangelists, making no discriminations as to the man's general education, experience and adaptability to the work?"—be answered, The rule is general in its application. That Question 3—"Do the four years date from the time of his being received under care of the Presbytery"—be answered, They date from the time of licensure. Adopted.—1897, p. 133.

b. Overture No. 32, from the Presbytery of Saginaw, in reference to "the plan of educating local evangelists." It is recommended that while the employment of local evangelists is not to be altogether discontinued, Presbyteries are hereby directed to comply exactly in this matter with the regulations of Constitutional Rule No. 1, and the resolutions of the General Assembly. Adopted.—1897, p. 132.

[Note.—See for Constitutional Rule No. 1, p. 330.]

3. The above rule does not abridge the power of the Presbyteries to license in extraordinary cases.

The Standing Committee on the Polity of the Church reported:

1. A memorial from the Presbytery of Columbus, asking this General Assembly to define the action of the last General Assembly "in limiting the term of licensure (*Minutes*, p. 87) as not referring to the cases of laymen who are licensed with a view of their higher usefulness, and not with a view to ordination."

The Committee recommend this minute as an answer, viz.: The General Assembly cannot sanction the practice of licensure as a means to

attain a higher measure of usefulness merely, without aiming to reach ordination, as this would be virtually to make two grades of preaching officers. But the rules adopted by the last Assembly, to which the memorial refers, should not be construed as abridging the power and discretion of the Presbyteries to license probationers "in extraordinary cases" (Form of Government, xiv, vi). Adopted.—1873, p. 524.

4. Discretion of the Presbytery in granting and recalling licenses.

Overture from the Presbytery of Westchester, asking the Assembly to determine, 1. In what way the action of the General Assembly of 1872, in the matter of limiting licenses to preach (*Digest*, 1873, p. 401), shall be applied to those who were licentiates at the time such action was taken.

2. In what sense the words "extraordinary cases," in the action of 1873 on this subject (401), are to be understood.

3. To make an explicit deliverance, as to the powers of the General Assembly over the functions of the Presbytery in granting and continuing licenses to preach the Gospel.

The Committee recommend the following answer:

1. The action of the Assembly of 1872 requires that all licenses then in force expire in four years from the date of that action.

2. The determination of the sense of the words "extraordinary cases" must be left to the Presbytery, in connection with the circumstances of each case.

But it is clear that their reference is to the preparatory studies of the candidates, and not to a class who had only a higher usefulness, and not the ministry in view.

3. The Assembly has no power over the functions of the Presbytery in granting and continuing licenses, save that of review and control. Adopted.—1874, pp. 81, 82.

5. Licentiates belong to the laity, and are subject to the Session.

The Committee to whom was recommitted Overture No. 1, viz.: The question at what period of their preparatory course are candidates for the Christian ministry to be considered as dismissed from the jurisdiction of the Session and transferred to the Presbytery? made a report, which, being read and amended, was adopted, and is as follows, viz.:

Whereas, It appears necessary, in order to preserve the purity of the Church, and uniformity of procedure in the judicatories under the care of the General Assembly, that the manner of administering discipline to candidates and licentiates for the Gospel ministry should be distinctly specified; therefore,

Resolved, 1. That as the Word of God and the Constitution of the Presbyterian Church recognize the distinction of laity and clergy, and a system of procedure in discipline in some respects diverse, as the one or the other of these orders of men is concerned, it becomes the judicatories of the Church to guard against the violation of this principle in the administration of discipline.

2. That although candidates and licentiates are in training for the Gospel ministry, and in consequence of this are placed under the care of Presbyteries, and in certain respects become immediately responsible to them, yet they are to be regarded as belonging to the order of the laity till they receive ordination to the whole work of the Gospel ministry.

3. That it follows, from the last resolution, that when candidates for the Gospel ministry are discovered to be unfit to be proceeded with in trials for the sacred office, it shall be the duty of the Presbytery to arrest their progress, and if further discipline be necessary, to remit them for that purpose to the Sessions of the churches to which they properly belong, and that when licentiates are found unworthy to be permitted further to preach the Gospel, it shall be the duty of the Presbytery to deprive them of their license, and if further discipline be necessary, to remit them for that purpose to the Sessions of the churches to which they properly belong.

4. That in order to ensure the proper effect of discipline in the performance of the duties which severally belong to Sessions and Presbyteries, it will be incumbent on church Sessions, when they shall see cause to commence process against candidates or licentiates before Presbytery has arrested the trials of the one or taken away the licensure of the other, to give immediate notice to the Moderator of the Presbytery to which the candidates or licentiates are amenable that such process has been commenced, to the intent that the impropriety may be prevented of an individual proceeding on trials or continuing to preach, after committing an offense that ought to arrest him in his progress to an investiture with the sacred office; and when Presbyteries shall enter upon an investigation, with the view of stopping the trials of a candidate or taking away the license of a licentiate, the Session to which such candidates or licentiates are amenable shall be immediately informed of what the Presbytery is doing, that the Session may if requisite commence process and inflict the discipline which it is their province to administer.—1829, pp. 263, 264.

6. A licentiate may solemnize marriage if authorized by law.

Resolved, That while our Form of Government does not recognize licentiates as ministers of the Gospel, yet this Assembly do not consider them as violating any rules of the Church by solemnizing marriages in those States where the civil laws expressly authorize them to do it.—1844, p. 377.

CHAPTER XV.

OF THE ELECTION AND ORDINATION OF BISHOPS OR PASTORS AND EVANGELISTS.

I. When any probationer shall have preached so much to the satisfaction of any congregation, as that the people appear prepared to elect a pastor, the session shall take measures to convene them for this purpose: and it shall always be a duty of the session to convene them, when a majority of the persons entitled to vote in the case, shall, by a petition, request that a meeting may be called.

1. Steps to be taken by a vacant congregation looking to the election of a pastor.

The business left unfinished in the morning was resumed, and after a full discussion of the subject, the motion to sustain the appeal of the

Session of the Third Presbyterian Church in this city from the decision of the Synod of Philadelphia, affirming a decision of the Presbytery of Philadelphia, by which the Presbytery directed the said Session, within twenty days from the date of their decision, or after the final determination of the case, to convene the congregation for the purpose of electing a pastor, was determined in the affirmative; and Dr. Green, Dr. Neill and Mr. Richards were appointed a Committee to prepare a minute stating the principles on which the Assembly sustained the appeal.

The Committee appointed to prepare a statement of the principles and grounds upon which the Assembly sustained the appeal of the Session of the Third Presbyterian Church in this city reported, and their report, being read and amended, was adopted in the words following, viz.:

That both to prevent misapprehension and to aid the congregations and judicatures of this church in deciding on any similar cases that may arise, the Assembly therefore declare,

I. That in vacant congregations which are fully organized the Session of each congregation are to determine, under their responsibility to the higher judicatures, when the congregation are prepared to elect a pastor, as directed in the Form of Government of this Church, Chap. xv, Sec. i.

II. That it is the duty of the Session, when a congregation is vacant, to use their best endeavors to promote the settlement of a pastor in the same, in the speediest manner possible, consistently with the peace, order and edification of the congregation; and it is the privilege of the people, or of any portion of them, to complain to the Presbytery when they think that the Session, after being suitably requested, neglect or refuse to convene the congregation to elect a pastor.

III. That it belongs to the Presbyteries to take cognizance of the proceedings of Sessions and congregations in the important concern of settling pastors, and to adopt the most effectual measures on the one hand to prevent all undue delay by the Session or the people, and on the other to prevent all precipitancy in the settlement of any minister or the adoption of any system of proceedings in the congregation inconsistent with the real and permanent edification of the people.

IV. That by the due and discreet observance of these principles by all concerned it will be found that, so far from the Session of a congregation having it in their power to deprive a majority of a congregation of their right to make an election of a pastor when sought in an orderly and Christian manner, or to keep a congregation unsettled for an indefinite length of time, the rights of the people will be most effectually secured, and their precious and inalienable privilege of choosing their own pastor will be exercised by them in the shortest period which their own real benefit will permit.

V. That the conviction of this Assembly that the foregoing obvious and constitutional principles had not been duly adhered to in the case before them, that the congregation had not proceeded with a suitable respect to the Session, and that the Presbytery did not adopt the most suitable measure when they advised and directed the Session to convene the congregation in twenty days, has led the Assembly to sustain this appeal as the measure most constitutional, best calculated on the whole to do justice to all the parties concerned, and to point the way to the most speedy settlement of the unhappy differences and disorders which have

so long existed in the particular congregation immediately concerned. —1814, pp. 559, 560.

II. When such a meeting is intended, the Session shall solicit the presence and counsel of some neighboring minister to assist them in conducting the election contemplated, unless highly inconvenient on account of distance; in which case they may proceed without such assistance.

[NOTE.—For answer to the question who may moderate a Session, see under Form of Government, Chap. ix, Sec. iv, 2, *a*, *b*, *c*, etc., p. 163.]

III. On a Lord's day, immediately after public worship, it shall be intimated from the pulpit, that all the members of that congregation are requested to meet on ensuing, at the church, or usual place for holding public worship; then and there, if it be agreeable to them, to proceed to the election of a pastor for that congregation.

IV. On the day appointed, the minister invited to preside, if he be present, shall, if it be deemed expedient, preach a sermon; and after sermon he shall announce to the people, that he will immediately proceed to take the votes of the electors of that congregation, for a pastor, if such be their desire: and when this desire shall be expressed by a majority of voices, he shall then proceed to take votes accordingly. In this election, no person shall be entitled to vote who refuses to submit to the censures of the Church, regularly administered; or who does not contribute his just proportion, according to his own engagements, or the rules of that congregation, to all its necessary expenses.

1. Who may vote in the election of a pastor.

a. *Action of the General Presbytery, 1711.*

Agreed that none shall be allowed to vote for the calling of a minister but those that shall contribute for the maintenance of him, and that the major vote of these shall be determinative.—1711, p. 24.

[NOTE.—The above decision of General Presbytery is inserted merely as history. The present law of the Church is contained in Section 4, Chap. xv, Form of Government, given above, which has been in force since 1788.]

b. *The presiding officer may not disqualify voters whose standing has not been impaired by judicial process.*

When a meeting of a church duly called is held for the election of elders, may the Moderator presiding at such meeting disqualify voters whose standing has not been impaired by regular judicial process? Answered in the negative.—1896, p. 85.

Resolved, That neither the presiding officers of church or congregational meetings, nor the Sessions of churches, possess the power to deprive communicant members in good standing of their right to vote at meetings of the church or of the congregation, except by due process of law in accordance with the provisions of the Book of Discipline—1897, p. 139.

c. *Right of voting not limited to communicants unless expressly so declared.*

In sustaining a complaint of R. J. Breckenridge, D.D., *et al.*, "against the Synod of Kentucky in its action limiting the right of

voting in the election of a pastor to communicating members of the Church," the Assembly

Resolved, That the complaint be sustained; but the Assembly in this judgment does not intend to condemn a practice prevalent in some of our congregations in which the right of voting for pastor is confined to communicants.—1863, p. 71, O. S.

d. *Overture confining the vote to communicants not adopted.*

Overture No. 3, being an overture from the Presbytery of Saline, "in favor of the enactment of a law requiring that in the election of pastors, none be permitted to vote except communicants in good and regular standing;" also, "that when any candidate is before a church, the church shall determine whether he shall be called to the pastorate before any other candidate shall be heard."

The Committee recommend for answer: That in regard to the first point, the enactment of such a law would prohibit a usage quite extensive among the churches, founded upon an interpretation of the present law which has heretofore been sanctioned by the General Assembly. It is, therefore, deemed inexpedient upon the application of a single Presbytery to recommend such alteration in the Form of Government. In regard to the second point, it need only be said that the authority asked for is now possessed by each congregation, and may be exercised or not at its pleasure; while to make such exercise binding by positive law would deprive all congregations of a present liberty the use of which seems wisely left to their discretion.

The report was adopted.—1867, p. 320, O. S.

e. *All communicant members have right to vote in electing a pastor.*

Overture.—A resolution referred to them by the General Assembly:

Resolved, That it is the judgment of the General Assembly, that all members of the church in full communion have the right to vote in the election of pastor in the congregation with which they are connected.

The Committee recommend that the resolution be affirmed, subject to the conditions mentioned in Sec. iv, Chap. xv, of the Form of Government. Adopted.—1879, p. 630.

2. That all communicant members in good standing, of whatever age or sex, and, in addition, all non-communicants of full age who contribute regularly to church support, in accordance with the rules of the congregations, are qualified voters at meetings for the election of pastors—1897, p. 138.

f. *Members of the congregation who contribute to the support of the church entitled to vote in the election of a pastor.*

A request from the Presbytery of New Castle for an answer to the following question: "Have members of a congregation, not communicants, who regularly contribute their due proportion of the necessary expenses of the church and congregation, a right to vote in the election of a pastor?" The Committee recommend that the question be answered in the affirmative, in accordance with previous deliverances—with this special appended statement, that the usage of some congregations, which confines the right of voting for a pastor to communicants, is wholly legitimate, and might profitably become more prevalent.—1886, p. 48.

That it is the right of each one of our congregations, under the Consti-

tion of the Church, to determine by rule the qualifications of non-communicants who are contributors to church expenses, as voters in the election of pastors.—1897, p. 138.

g. *Authoritative lists of voters.*

Resolved, 2. That the rolls of communicant members in good standing in the possession of the clerks of Sessions and the lists of regular contributors in the possession of the secretary or treasurer of the Board of Trustees, shall be the authoritative lists of voters at church and congregational meetings.—1897, p. 139.

V. When the votes are taken, if it appear that a large minority of the people are averse from the candidate who has a majority of votes, and cannot be induced to concur in the call, the presiding minister shall endeavor to dissuade the congregation from prosecuting it further. But if the people be nearly, or entirely, unanimous; or if the majority shall insist upon their right to call a pastor, the presiding minister, in that case, after using his utmost endeavors to persuade the congregation to unanimity, shall proceed to draw a call, in due form, and to have it subscribed by the electors; certifying at the same time, in writing, the number and circumstances of those who do not concur in the call: all which proceedings shall be laid before the Presbytery, together with the call.

[NOTE.—The presiding minister should see to it that the call is made in all respects in conformity with the provisions of Chap. xv, Form of Government (see p. 568), that the persons signing the call are empowered to do so by the vote of the congregation, and so certify the Presbytery by his indorsement upon the call.]

VI. The call shall be in the following or like form; viz.

The congregation of being, on sufficient grounds, well satisfied of the ministerial qualifications of you and having good hopes, from our past experience of your labors, that your ministrations in the gospel will be profitable to our spiritual interests, do earnestly call and desire you to undertake the pastoral office in said congregation; promising you, in the discharge of your duty, all proper support, encouragement and obedience in the Lord. And that you may be free from worldly cares and avocations, we hereby promise and oblige ourselves to pay to you the sum of in regular quarterly (or half yearly, or yearly) payments, during the time of your being and continuing the regular pastor of this church. In testimony whereof, we have respectively subscribed our names, this day of A.D.

Attested by A. D., moderator of the meeting.

1. Early action. Glebe and parsonage recommended.

That in every congregation a Committee be appointed, who shall twice in every year collect the minister's stipend and lay his receipts before the Presbytery preceding the Synod, and at the same time that ministers give an account of their diligence in visiting and catechising their people.

The Synod recommends that a glebe, with a convenient house and necessary improvements, be provided for every minister.—1766, p. 359.

[NOTE.—See, also, under No. 5, p. 567.]

2. Adequate provision to be urged.

The Assembly enjoins it upon all the Presbyteries "that they will endeavor, as far as the state of society in different parts of our Church will permit, to withdraw the ministers of the Gospel from every worldly avocation for the maintenance of themselves and families, that they may devote themselves entirely to the work of the ministry; and that for this end they labor to convince the people of the advantage that will accrue to themselves from making such adequate provision for the support of their teachers and pastors, that they may be employed wholly in their sacred calling; and in those places where it may be found prudent and practicable, that they devise means to have the contracts between congregations and pastors examined in the Presbyteries at stated periods, inquiries instituted with regard to the reciprocal fulfillment of duties and engagements, and endeavors used to promote punctuality and fidelity in both parties, before distress on one side or complaint on the other grow to a height unfavorable to the interests of religion.—1799, pp. 181, 182.

3. Liberality in support of the ministry urged.

a. The following preamble and resolution, proposed by Elder Walter S. Griffith, was unanimously adopted:

Whereas, It is highly important to our churches that they be served by competent ministers, who shall be free from worldly cares and avocations; whereas, the law of Christ expressly declares "that they which preach the Gospel should live of the Gospel," and that he "that is taught in the Word" should "communicate unto him that teacheth in all good things," thus making it the solemn duty, as it is clearly the interest, of Christian churches to provide for their ministers a competent and liberal support; whereas, the cost of the necessities of life has advanced so greatly as to render the salaries heretofore paid to many of our ministers entirely inadequate, causing to them and to their families great anxiety and distress; and whereas, this subject demands at this time, and should not fail to attract, the special attention of every Christian; therefore,

Resolved, That the General Assembly earnestly exhort all the churches under their care to consider this question in the spirit of Christian fidelity and liberality, and to make ample provision for those who minister to them in word and doctrine, stipulating so to increase their compensation, when necessary, as to make their salaries fully adequate to their comfortable support, in view of the enhanced expenses of living, and paying the amount agreed upon with honorable and Christian promptitude.—1854, p. 499, N. S.

b. A memorial from the Synod of New York on the subject of ministerial support was referred to a Committee exclusively of elders, one from each Synod.

Judge Fine, from the Special Committee on Ministerial Support, presented a report, which was read, amended and adopted, the resolutions being as follows, viz.:

1. *Resolved*, That we affectionately and earnestly recommend to the churches under our care that they scrupulously avoid holding out any

inducements to a minister to become their stated supply, or settled pastor, which will not be realized.

2. *Resolved*, That we earnestly recommend to every Presbytery that, unless suitable provision be made for the support of a minister or stated supply, they decline to give their aid or sanction, as a Presbytery, to settle him in any congregation which is able to furnish such suitable provision.

3. *Resolved*, That we recommend to the elders and deacons and trustees of our churches and congregations to meet together on some day before the first of November next, and yearly thereafter, or oftener if necessary, and institute the inquiry whether the minister or stated supply is properly and fully supported, and if they find that he is not so supported, to take immediate measures to increase his support, and report to their Presbytery at its next meeting.

4. *Resolved*, That we recommend to the Presbyteries to require of every minister to preach on the subject of ministerial support—" that, laying aside all false delicacy, they enlighten their people upon this as upon any other branch of Christian duty, pleading not for themselves, but for their Master, if happily they may reclaim their respective charges from a grievous sin which must bring down God's displeasure "—and that the Presbyteries call upon every minister to answer whether he has complied with their injunction.—1854, p. 40, O. S.

[NOTE.—For the report accompanying the resolutions and ordered to be published and read in the churches, see Baird's *Digest*, revised edition, pp. 199–203.]

4. Presbytery may refuse to install when the salary is insufficient.

From the church of Paris, Ill.: " When a congregation and minister agree on the amount of salary to be paid and received, and both parties, being fully satisfied, request that the pastoral relation be constituted according to the order of the Presbyterian Church, has Presbytery the right to refuse to install because, in their judgment, the salary is insufficient?" Answered in the affirmative.—1855, pp. 272, 282, O. S.

5. Congregations urged to procure parsonages.

a. For the purpose of facilitating the settlement and support of pastors and to guard more effectually against the temptation, or almost necessity, as in some cases seems to exist, for ministers to involve themselves, to the injury of their usefulness, in procuring accommodations for themselves and families,

1. *Resolved*, That it be earnestly recommended to our churches, wherever it is expedient and practicable, to provide suitable parsonages for the accommodation of their pastors.

2. *Resolved*, That great care be taken to have these parsonages so guarded by legal arrangements as most effectually to prevent controversy and secure their perpetual enjoyment by the churches providing them for the continued support of the Gospel through coming generations.—1843, p. 193, O. S.

b. *Resolved*, 2. That the Presbyteries be instructed to appoint Standing Committees on Manses, so that the subject may be brought regularly and statedly before them for consideration, and that information may be disseminated widely among the churches.

Resolved, 3. That ministers and elders be requested to press this matter upon the attention of the churches and people, and strive to create

and extend a healthy state of mind and feeling on the subject, and stimulate them in the effort to provide manses, and, even in those churches where the way may not be clear to build at once, urge upon them the work of preparation by securing suitable lots of ground for building when the proper time may come, and that such provision of ground, whether in town or country, should be on a liberal scale.—1872, p. 37.

[NOTE.—See Form of Government Chap. xii, Sec. v (p. 377), under the head of "Manses."]

VII. But if any congregation shall choose to subscribe their call by their elders and deacons, or by their trustees, or by a select committee, they shall be at liberty to do so. But it shall, in such case, be fully certified to the Presbytery, by the minister, or other person who presided, that the persons signing have been appointed, for that purpose, by a public vote of the congregation; and that the call has been, in all other respects, prepared as above directed.

VIII. When a call shall be presented to any minister or candidate, it shall always be viewed as a sufficient petition from the people for his installment. The acceptance of a call, by a minister or candidate, shall always be considered as a request, on his part, to be installed at the same time. And when a candidate shall be ordained in consequence of a call from any congregation, the Presbytery shall, at the same time, if practicable, install him pastor of that congregation.

1. Installation of pastors elect insisted on, and none to be designated as P. E. whose call has not been regularly acted on.

The Committee of Bills and Overtures reported the following resolution:

Whereas, It is commonly reported that in several of our Presbyteries the custom prevails, first, of permitting ministers who have received calls from churches to serve such churches through a series of years without installation; and, secondly, of placing the names of such ministers in the statistical tables as pastors elect (P.E.); and,

Whereas, Such customs are manifestly inconsistent with the express requirements or implications of Form of Government, Chaps. xv, viii, and xvi, iii; therefore,

Resolved, That all our Presbyteries be enjoined:

1. To take order that as soon as possible after a licentiate or ordained minister has been called by a church and the call been approved and accepted such person be installed as pastor of the church calling him.

2. To place the names of none in the statistical tables as pastors elect (P.E.) whose calls have not been regularly approved by the Presbytery having charge of the church issuing the call, and who have not signified their acceptance thereof and readiness for installation. Adopted.—1886, p. 56.

IX. The call, thus prepared, shall be presented to the Presbytery, under whose care the person called shall be; that, if the Presbytery think it expedient to present the call to him, it may be accordingly presented: and no minister or candidate shall receive a call but through the hands of the Presbytery.

1. **The Presbytery may refuse to permit a call.**

a. The unfinished business of yesterday, viz., an appeal from a decision of the Synod of Philadelphia, affirming a decision of the Presbytery of Carlisle, in which decision the Presbytery resolved not to put into his hands a call for the Rev. Henry R. Wilson from the congregation of Carlisle.

Resolved, That the decision of the Synod of Philadelphia be affirmed. And it was accordingly affirmed.—1814, p. 548.

b. The business left unfinished yesterday was resumed, viz., the consideration of the appeal of the Presbytery of Hudson from a decision of the Synod of New York and New Jersey, reversing a decision of said Presbytery, by which the Presbytery determined not to give leave to the congregation of Goodwill to prosecute before the Presbytery of New York a call which they had prepared for the Rev. William Gray, a member of that Presbytery.

It was moved and seconded that the appeal of the Presbytery of Hudson be sustained. After a full discussion of the subject, the question being taken on this motion, it was determined in the affirmative, and the appeal was therefore sustained.—1817, p. 644.

c. No. 1 is an appeal and complaint of the Rev. Mr. Edgar from the action of the Synod of Erie, sustaining the action of the Presbytery of Clarion in refusing to put a call from the church of Collinsburgh into his hands. The Judicial Committee recommend that, as the General Assembly have repeatedly decided that Presbyteries have discretionary power in such cases (see *Digest*, pp. 548, 549), which decisions are clearly in accordance with the Form of Government (see Chap. xv, Sec. ix), therefore, the appeal and complaint be dismissed. Adopted. —1875, p. 510.

[Note.—Cases involving discretionary power now end with the Synod.]

X. If the call be to a licentiate of another Presbytery, in that case the commissioners deputed from the congregation to prosecute the call, shall produce, to that judicatory, a certificate from their own Presbytery, regularly attested by the moderator and clerk, that the call has been laid before them, and that it is in order. If that Presbytery present the call to their licentiate, and he be disposed to accept it, they shall then dismiss him from their jurisdiction, and require him to repair to that Presbytery, into the bounds of which he is called; and there to submit himself to the usual trials preparatory to ordination.

[Note.—To facilitate the business and avoid expense and delay, it has become common usage for the candidate to obtain a dismission to the Presbytery within whose bounds the congregation seeking his services is located; then being received by that Presbytery, the proceedings are as in the case of their own candidates.]

XI. Trials for ordination, especially in a different Presbytery from that in which the candidate was licensed, shall consist of a careful examination as to his acquaintance with experimental religion; as to his knowledge of philosophy, theology, ecclesiastical history, the Greek and Hebrew languages, and such other branches of learning as to the Presbytery may appear requisite; and as to his knowledge of the constitution, the rules and principles of the government and discipline of the church;

together with such written discourse, or discourses, founded on the word of God as to the Presbytery shall seem proper. The Presbytery, being fully satisfied with his qualifications for the sacred office, shall appoint a day for his ordination, which ought to be, if convenient, in that church of which he is to be the minister. It is also recommended that a fast day be observed in the congregation previous to the day of ordination.

1. Ordination on the Sabbath discouraged, but at the discretion of the Presbytery.

An overture was received from the Presbytery of Orange, requesting the opinion of the General Assembly on the question whether it be proper to ordain licentiates to the office of the Gospel ministry on the Sabbath day. The General Assembly think it would not be for edification to adopt a uniform rule on the subject. In general they think it is not expedient that ordinations should take place on the Sabbath, yet that there may be cases in which urgent or peculiar circumstances may demand them. The Assembly, therefore, judged it best to leave it to the Presbyteries to act in this concern as they may judge that their duty requires.—1821, p. 10.

XII. The day appointed for ordination being come, and the Presbytery convened, a member of the Presbytery, previously appointed to that duty, shall preach a sermon adapted to the occasion. The same, or another member appointed to preside, shall afterward briefly recite from the pulpit, in the audience of the people, the proceedings of the Presbytery preparatory to this transaction: he shall point out the nature and importance of the ordinance; and endeavor to impress the audience with a proper sense of the solemnity of the transaction.

Then, addressing himself to the candidate, he shall propose to him the following questions, viz.:

1. Do you believe the Scriptures of the Old and New Testaments to be the Word of God, the only infallible rule of faith and practice?

2. Do you sincerely receive and adopt the Confession of Faith of this Church, as containing the system of doctrine taught in the Holy Scriptures?

3. Do you approve of the government and discipline of the Presbyterian Church in these United States?

4. Do you promise subjection to your brethren in the Lord?

5. Have you been induced, as far as you know your own heart, to seek the office of the holy ministry from love to God, and a sincere desire to promote his glory in the gospel of his Son?

6. Do you promise to be zealous and faithful in maintaining the truths of the gospel, and the purity and peace of the Church; whatever persecution or opposition may arise unto you on that account?

7. Do you engage to be faithful and diligent in the exercise of all private and personal duties, which become you as a Christian and a minister of the gospel; as well as in all relative duties, and the public

duties of your office; endeavoring to adorn the profession of the gospel by your conversation; and walking with exemplary piety before the flock over which God shall make you overseer?

8. Are you now willing to take the charge of this congregation, agreeably to your declaration at accepting their call? And do you promise to discharge the duties of a pastor to them, as God shall give you strength?

1. The assent embraces the Larger and Shorter Catechisms.

Overture No. 1.—The following inquiry from members of the Presbytery of Nashville: "When ministers and other officers are ordained in the Presbyterian Church, and give an affirmative answer to the question, Do you sincerely receive and adopt the Confession of this Church as containing the system of doctrines taught in the Holy Scriptures? are such ministers and officers to be understood as embracing and assenting to the doctrines, principles, precepts and statements contained in the Larger and Shorter Catechisms in the same unqualified sense in which they are understood to embrace and assent to the doctrines, principles, precepts and statements contained in other parts of the Confession of Faith?"

The Committee recommended that the question be answered in the affirmative; and the recommendation was adopted.—1848, p. 18, O. S.

[NOTE.—See, also, No. 4, p. 8, this *Digest*.]

2. Ordination by a commission is unconstitutional.

[NOTE.—See under Form of Government, Chap. x, Sec. viii, p. 190; *Minutes*, 1894, p. 76.]

XIII. The candidate having answered these questions in the affirmative, the presiding minister shall propose to the people the following questions:—

1. Do you, the people of this congregation, continue to profess your readiness to receive whom you have called to be your minister?

2. Do you promise to receive the word of truth from his mouth, with meekness and love; and to submit to him in the due exercise of discipline?

3. Do you promise to encourage him in his arduous labor, and to assist his endeavors for your instruction and spiritual edification?

4. And do you engage to continue to him, while he is your pastor, that competent worldly maintenance which you have promised; and whatever else you may see needful for the honor of religion, and his comfort among you?

XIV. The people having answered these questions in the affirmative, by holding up their right hands, the candidate shall kneel down in the most convenient part of the church. Then the presiding minister shall, by prayer, and with the laying on of the hands of the Presbytery, according to the apostolic example, solemnly ordain him to the holy office of the gospel ministry. Prayer being ended, he shall rise from his

knees; and the minister who presides shall first, and afterward all the members of the Presbytery in their order, take him by the right hand, saying, in words to this purpose, "We give you the right hand of fellowship, to take part of this ministry with us." After which the minister presiding, or some other appointed for the purpose, shall give a solemn charge in the name of God, to the newly ordained bishop, and to the people, to persevere in the discharge of their mutual duties; and shall then, by prayer, recommend them both to the grace of God, and his holy keeping, and finally, after singing a psalm, shall dismiss the congregation with the usual blessing. And the Presbytery shall duly record the transaction.

1. Lay ordination invalid.

The Committee to whom was referred Overture No. 15, viz., on ordination by a deposed minister or by laymen, made the following report, which was adopted, viz.:

That this paper contains a letter from a minister in South Carolina to the Stated Clerk, requesting him to obtain a decision of the General Assembly on the question, "whether the ordination of a minister of the Gospel by the interposition of the hands of the laity is valid?"

That the answer to this question should be in the negative is so obvious and evident on all correct principles of ecclesiastical order, that your Committee are of opinion that it is unnecessary for the General Assembly to give any further consideration to the subject.—1832, p. 366.

2. Elders not to participate in the ordination of ministers by the laying on of hands.

[NOTE.—See under Form of Government, Chap. v, "Of Ruling Elders," p. 149, No. 9.]

3. An elder, being Moderator of Presbytery, cannot preside at the ordination of a minister, nor propound the constitutional questions, nor take part in the laying on of hands of the Presbytery, nor make the ordaining prayer.

An overture from the Presbytery of Freeport, asking: Can an elder, being Moderator of Presbytery, preside at the ordination of a minister, propound the constitutional questions, take part in the laying on of the hands of the Presbytery, and make the ordaining prayer?

Answer: The Form of Government, Chap. xv, Sec. xii, speaks of "a member of Presbytery appointed to preside" at the ordination of a minister. Sec. xiii refers to this officer as "the presiding minister." Sec. xiv says, "the presiding minister shall by prayer and with the laying on of the hands of the Presbytery . . . . solemnly ordain." That this "laying on of hands" does not include the elders is clear from the subsequent record, that all the members take the newly ordained minister by the hand, saying, "We give you the right hand of fellowship, to take part of this ministry with us."

The Assembly therefore answers that "an elder being Moderator of Presbytery" cannot preside at the ordination of a minister, nor propound the constitutional questions, nor take part in the laying on of the hands of the Presbytery, nor make the ordaining prayer. Adopted.—1890, p. 113.

4. The part which ministers of other bodies may take in ordinations and installations.

Overture, from the Presbytery of Zanesville, on the part which ministers of other bodies may take in Presbyterial proceedings in ordinations and installations. Your Committee would recommend the following answer: The spirit of the directions of our Form of Government indicates that, in all ordinary cases, the charges should be given by members of the Presbytery; recognizing, however, the episcopal power of the Presbytery to deal with special cases as discretion may direct. Adopted. —1893, p. 71.

XV. As it is sometimes desirable and important that a candidate who has not received a call to be the pastor of a particular congregation, should, nevertheless, be ordained to the work of the gospel ministry, as an evangelist to preach the gospel, administer sealing ordinances, and organize churches, in frontier or destitute settlements; in this case, the last of the preceding questions shall be omitted, and the following used as a substitute:—viz.

Are you now willing to undertake the work of an evangelist; and do you promise to discharge the duties which may be incumbent on you in this character as God shall give you strength?

1. Ordination as an evangelist to labor in feeble churches.

Is it or is it not in accordance with the principles of the Presbyterian Church to ordain evangelists to labor in fields having feeble churches which are not able to support a pastor, and are too remote conveniently to secure the services of an ordained minister?

To ordain evangelists under the specified circumstances is in accordance with the practice of the Church, and is no infraction of any of its laws.—1850, p. 454, O. S.

2. Ordination of a licentiate who proposed to continue teaching.

The Presbytery of Philadelphia submitted to the Assembly for their decision the case of Mr. John Jones, a licentiate under their care, who at their last sessions had requested that the Presbytery would take measures to ordain him *sine titulo*. The Presbytery stated that Mr. Jones had been a licensed candidate for a number of years; that he had always sustained a good and consistent character; that he was engaged in teaching an academy, and was so circumstanced that his being ordained might render him more extensively useful. The Assembly having considered the case,

Resolved, That the Presbytery of Philadelphia be permitted and authorized to ordain Mr. Jones to the work of the Gospel ministry *sine titulo*, provided the Presbytery, from a full view of his qualifications and other attending circumstances, shall think it expedient so to ordain him. —1807, p. 386.

3. Presbyteries should not ordain the candidates of other Presbyteries.

1. That it be earnestly recommended to all our Presbyteries not to ordain *sine titulo* any men who propose to pursue the work of their ministry in any sections of the country where a Presbytery is already organized to which they may go as licentiates and receive ordination.

2. That the several bodies with which we are in friendly correspondence in the New England States be respectfully requested to use their counsel and influence to prevent the ordination, by any of their councils or consociations, of men who propose to pursue the work of the ministry within the bounds of any Presbytery belonging to the General Assembly of the Presbyterian Church, and that the delegates from this Assembly to those bodies respectively be charged with communicating this resolution.—1834, p. 428.

4. Ordination sine titulo.

The Synod would bear testimony against the late too common, and now altogether unnecessary, practice of some Presbyteries in the north of Ireland, viz., their ordaining men to the ministry *sine titulo* immediately before they come over hither, thereby depriving us of our just rights, viz., that we, unto whom they are designed to be co-presbyters, and among whom they design to bestow their labors, should have just and fair inspecting into their qualifications; we say it seems necessary that the Synod bear testimony against such practice by writing home to the General Synod, thereby signifying our dissatisfaction with the same.—1735, p. 119.

[Note.—See for particular cases, Moore's *Digest*, 1886, pp. 413-415. The early usage was for the Presbytery proposing to ordain a licentiate *sine titulo* to ask the consent of the General Synod, and after 1789 of the General Assembly. *Minutes*, 1764, p. 337; 1775, p. 465; 1795, p. 98; 1798, p. 146; 1799, p. 172; 1805, p. 337; 1809, p. 415; 1810, p. 459.]

5. Ordination sine titulo. Overture on rejected.

a. The following overture was brought in and read, viz.:

In what cases, except the one provided for in the fifteenth chapter of the Constitution of our Church, may a Presbytery ordain a man to the work of the Gospel ministry without a call to a particular charge?—1810, p. 456.

This overture was referred to Drs. Miller and Green, Messrs. Nathan, Grier, Anderson and Campbell, as a Committee.—1811, p. 464.

This Committee reported as follows, viz.:

Whereas, There may exist cases in which it may be needful for Presbyteries to ordain without a regular call; but as the frequent exercise of this power may be dangerous to the Church, and as this case does not appear to be fully provided for in our Constitution and Book of Discipline,

Resolved, That the following rule be submitted to the Presbyteries for their opinion and approbation, which, when sanctioned by a majority of the Presbyteries belonging to the Church, shall become a constitutional rule, viz.:

That it shall be the duty of Presbyteries when they think it necessary to ordain a candidate without a call to a particular congregation or congregations to take the advice of their respective Synods or of the General Assembly before they proceed to this ordination.—1811, p. 474.

Answered in the negative—11 to 7—and the subject dismissed.—1812, p. 494.

b. In 1813 another rule was proposed, viz.: The rule proposed and on which an affirmative or negative vote of the Presbyteries is required is in the following words, viz.:

It shall be the duty of Presbyteries, when they think it necessary to ordain a candidate without a call to a particular pastoral charge to take

the advice of a Synod or of the General Assembly before they proceed to such ordination.—1813, p. 524.

Of the Presbyteries answering this overture twenty-six replied in the negative and four in the affirmative.—1814, p. 558.

6. Censure of Synod for ordination sine titulo not sustained.

The records of the Synod of Illinois were, on the recommendation of the Committee, approved, with the exception of a censure, on p. 209, of the action of Knox Presbytery, for ordaining a man when there was no call from any part of the Church.—1843, p. 17, N. S.

[NOTE.—The whole matter is at the discretion of the Presbytery.]

7. Missionaries may not ordain ministers.

[NOTE.—See No. 7, p. 194, this *Digest*.]

8. Nor organize a church within the limits of a Presbytery without leave of the Presbytery.

No church shall be organized by a missionary within the limits of any Presbytery, unless authority has previously been obtained from the Presbytery.—1883, p. 644.

CHAPTER XVI.

OF TRANSLATION OR REMOVING A MINISTER FROM ONE CHARGE TO ANOTHER.

I. No bishop shall be translated from one church to another, nor shall he receive any call for that purpose, but by permission of the Presbytery.

1. Removal without consent of Presbytery.

The Presbytery of East Jersey having reported that Mr. John Cross has, without the concurrence of Presbytery, removed from one congregation to another, the Synod do declare that the conduct of such ministers . . . . that take charge of any congregation without the Presbyteries' concurrence, to be disorderly and justly worthy of Presbyterial censure, and do admonish said Mr. Cross to be no further chargeable with such irregularities in the future.—1735, p. 115.

II. Any church desiring to call a settled minister from his present charge, shall, by commissioners properly authorized, represent to the Presbytery the ground on which they plead his removal. The Presbytery, having maturely considered their plea, may, according as it appears more or less reasonable, either recommend to them to desist from prosecuting the call, or may order it to be delivered to the minister to whom it is directed. If the parties be not prepared to have the matter issued at that Presbytery, a written citation shall be given to the minister and his congregation, to appear before the Presbytery at their next meeting. This citation shall be read from the pulpit in that church, by a member of the Presbytery appointed for that purpose, immediately after public worship; so that at least two Sabbaths shall intervene betwixt the citation and the meeting of the Presbytery at which the cause of translation is to be considered. The Presbytery being met,

and having heard the parties, shall, upon the whole view of the case, either continue him in his former charge, or translate him, as they shall deem to be most for the peace and edification of the Church; or refer the whole affair to the Synod at their next meeting, for their advice and direction.

1. Consent of the parties may shorten the process.

a. In the Constitution, as originally adopted, citation of the parties was required in all cases. By the Assembly of 1804, p. 305, it was proposed to strike out "together with a written citation," and insert "if the parties be not prepared to have the matter issued at that Presbytery, a written citation shall be given to the minister."

The amendment was adopted.—1805, p. 333. In a note accompanying the overture the Assembly say, "This amendment is intended to provide that consent of parties shall shorten the constitutional process for translating a minister."—1804, p. 305.

b. Chap. xvi, Sec. ii, provides that where the parties are prepared for the dissolution of a pastoral relation it may be dissolved at the first meeting of the Presbytery.—1866, p. 47, O. S.

[Note.—See p. 578.]

III. When the congregation calling any settled minister is within the limits of another Presbytery, that congregation shall obtain leave from the Presbytery to which they belong, to apply to the Presbytery of which he is a member; and that Presbytery, having cited him and his congregation as before directed, shall proceed to hear and issue the cause. If they agree to the translation, they shall release him from his present charge; and having given him proper testimonials, shall require him to repair to that Presbytery, within the bounds of which the congregation calling him lies, that the proper steps may be taken for his regular settlement in that congregation: and the Presbytery to which the congregation belongs, having received an authenticated certificate of his release, under the hand of the Clerk of that Presbytery, shall proceed to install him in the congregation, as soon as convenient. Provided always, that no bishop or pastor shall be translated without his own consent previously obtained.

1. Pastor and church must belong to the same Presbytery.

Overture from a member of the Presbytery of Lexington, asking whether a minister who is a member of one Presbytery can be installed as pastor over a church in another Presbytery; and if so, what are the proceedings proper in the case. The Committee recommend the Assembly to answer that he should not be installed in such a case. Adopted.—1854, p. 46, O. S.

[Note.—See Form of Government, Chap. ix, p. 184; Chap. xv, p. 568.]

IV. When any minister is to be settled in a congregation, the installment, which consists in constituting a pastoral relation between him and the people of that particular church, may be performed either by the

Presbytery, or by a Committee appointed for that purpose, as may appear most expedient: and the following order shall be observed therein:

V. A day shall be appointed for the installment at such time as may appear most convenient, and due notice thereof given to the congregation.

VI. When the Presbytery, or Committee, shall be convened and constituted, on the day appointed, a sermon shall be delivered by some one of the members previously appointed thereto; immediately after which, the bishop who is to preside shall state to the congregation the design of their meeting, and briefly recite the proceedings of the Presbytery relative thereto. And then, addressing himself to the minister to be installed, shall propose to him the following or similar questions:

1. Are you now willing to take the charge of this congregation, as their pastor, agreeably to your declaration at accepting their call?

2. Do you conscientiously believe and declare, as far as you know your own heart, that in taking upon you this charge, you are influenced by a sincere desire to promote the glory of God, and the good of his Church?

3. Do you solemnly promise, that, by the assistance of the grace of God, you will endeavor faithfully to discharge all the duties of a pastor to this congregation, and will be careful to maintain a deportment in all respects becoming a minister of the gospel of Christ, agreeably to your ordination engagements?

To all these having received satisfactory answers, he shall propose to the people the same or like questions as those directed under the head of ordination; which, having been also satisfactorily answered, by holding up the right hand in testimony of assent, he shall solemnly pronounce and declare the said minister to be regularly constituted the pastor of that congregation. A charge shall then be given to both parties, as directed in the case of ordination; and, after prayer, and singing a psalm adapted to the transaction, the congregation shall be dismissed with the usual benediction.

VII. It is highly becoming, that, after the solemnity of the installment, the heads of families of that congregation who are then present, or at least the elders, and those appointed to take care of the temporal concerns of that church, should come forward to their pastor, and give him their right hand, in token of cordial reception, and affectionate regard.

CHAPTER XVII.

OF RESIGNING A PASTORAL CHARGE.

When any minister shall labor under such grievances in his congregation, as that he shall desire leave to resign his pastoral charge, the Presbytery shall cite the congregation to appear, by their commissioners, at their

next meeting, to show cause, if any they have, why the Presbytery should not accept the resignation. If the congregation fail to appear, or if their reasons for retaining their pastor be deemed by the Presbytery insufficient, he shall have leave granted to resign his pastoral charge, of which due record shall be made; and that church shall be held to be vacant, till supplied again, in an orderly manner, with another minister: and if any congregation shall desire to be released from their pastor, a similar process, *mutatis mutandis*, shall be observed.

1. Whether the relation shall be dissolved at the meeting where the request is made left to the discretion of the Presbytery.

The Committee on Overture No. 9, viz.: Advice asked respecting the following question of order by the Presbytery of Otsego, "Is it contrary to Chap. xvii of the Form of Government, for a Presbytery to dissolve the connection between a minister and his congregation at the time when he presents his request for his dissolution, and the congregation joins issue by commissioners duly appointed for that purpose?" made the following report, which was adopted, viz.:

Resolved, That it is not expedient for this Assembly to give a decided answer to the question, but to leave every Presbytery to act according to their own discretion in the premises.—1832, p. 373.

2. If the parties are agreed, the relation may be dissolved at the first meeting.

Overture from the Synod of New Jersey, proposing the following query: "Is it the intent of Chap. xvii of the Form of Government that a minister desiring to resign his pastoral charge shall in all cases first make his request known to the Presbytery?"

The Committee recommend that it be answered in the negative, for the reason that Chap. xvi, Sec. ii, provides that where the parties are prepared for the dissolution of a pastoral relation it may be dissolved at the first meeting of Presbytery. Adopted.—1866, p. 47, O. S.

3. A pastoral relation ceases with the action of the Presbytery dissolving it, when no other time is designated.

Does a pastoral relation cease with the action of the Presbytery dissolving such relations, when no other time for its termination is explicitly fixed by the Presbytery? Answered in the affirmative.—1896, p. 91.

[NOTE.—Complaint of D. R. Breed *et al.*, *vs.* Synod of Pennsylvania.]

4. A meeting of the congregation without the presence and coöperation of the pastor valid, he having requested the dissolution.

Case No. 4, the complaint of the Rev. W. P. Carson against Synod of Iowa, for dismissing his complaint against the Presbytery of Dubuque. The Presbytery, upon application both of the pastor and the congregation, dissolved the pastoral relation, and Mr. Carson complained to Synod, on the ground that the Session and trustees united in calling the meeting of the congregation, without the presence or coöperation of the pastor, at which action was taken asking for the dissolution of the pastoral relation. The Committee recommend that the complaint be dismissed, there being no sufficient ground of complaint.

The report was adopted.—1868, p. 612, O. S.

5. Where a Synod on appeal dissolves the pastoral relation on the petition of a minority, it is sustained.

The report of the Commission on Judicial Case No. 2 was adopted, and is as follows:

This case originated in a petition presented to the Presbytery of Ohio, December 27, 1866, asking the dissolution of the pastoral relation existing between the Rev. William Hunter and the church of Hopewell. The reasons of this petition were based upon troubles in the congregation which arose out of a state of things upon which Presbytery and Synod had already acted. This petition was signed by a minority. A counter petition was presented from a large majority of the congregation, begging the continuance of the pastoral relation. Presbytery refused by a small majority to dissolve the relation. The case was then taken by a complaint of the minority of the congregation to the Synod of Pittsburgh. Synod sustained the complaint by a vote of 50 yeas to 11 nays, and by a unanimous vote directed the Presbytery of Ohio to dissolve the pastoral relation. From this action of Synod an appeal is made to the Assembly by Joseph Connell, of the church of Hopewell, for the following reasons:

1. Because the pastoral relation between the Rev. William Hunter and the congregation is ordered to be dissolved on the petition of less than one-fourth of the members of the congregation, greatly against the will of the congregation and to our injury, and in contravention of our Christian and constitutional rights.

2. Because the petitioners were not only a small minority, but because some of them were not members of the congregation and those who were members had lost their *status*, they having for more than a year neither communed in the church nor contributed their just proportion of the expenses of the congregation.

3. Because the decision of Synod is highly injurious to the pastor as well as to the congregation, and hurtful also to the cause of truth, righteousness and equity, as taught in the Holy Scriptures and assured to congregations and pastors by our Church Standards.

All the papers and records relating to the case were read before the Commission, and all the parties desiring a hearing were heard.

It appeared that the principal cause, if not the origin, of these difficulties, was the use of harsh and intemperate language on the part of Mr. Hunter toward some of his parishioners. This led to charges and a trial before the Presbytery, the result of which was an admonition to Mr. Hunter to "restrain his temper and cultivate a meek and quiet spirit." In connection with this trial the request of petitioners for the removal of Mr. Hunter was granted, and the pastoral relation dissolved. From this act of dissolution Mr. Hunter appealed to Synod, who sustained his appeal on account of deficiency in the records.

A new application for the dissolution of the pastoral relation was then made to Presbytery by the discontented minority, based upon the existing troubles, which was refused, as already stated, by a small majority of Presbytery, but granted by a unanimous vote of Synod.

The facts and statements of the parties satisfied your Commission that, while a majority of the congregation clung to Mr. Hunter, he had taken such a course as to alienate a part of the people and seriously to impair his usefulness in that congregation. The matter has been for two years

before Presbytery, and they have sought to secure a reconciliation by sending Committees to confer with the people, but to no purpose. And the case has become so complicated in Presbytery as to divide that body about equally. When Synod came to decide upon the merits of the case, their judgment was unanimous against the continuance of the pastoral relation.

Your Commission had this case several days before them, and bestowed upon it careful consideration, and have unanimously determined to report to the Assembly that the sense of this Commission is that the interests of the church of Hopewell require the dissolution of the pastoral relation, and that they agree with the decision of Synod, and they recommend the following minute:

This Assembly recognizes the right of each congregation to decide whether a pastor is acceptable to them, and the wishes of a majority are to be set aside only for weighty reasons; yet such a state of things may exist between the pastor and a portion of his people as shall require, for the fair name of religion, that the relation be dissolved; and for this reason the appeal and complaint of Joseph Connell against the Synod of Pittsburgh is not sustained.—1868, pp. 648, 649, O. S.

6. The rule should be strictly observed and enforced.

Overture.—The Committee have had before them an overture on "The Perils of a Degraded Ministry." The title is infelicitous, and fails to present the true design of the paper, which sets forth the well-known difficulties that attend the loose notions prevailing in regard to the permanence of the pastoral relation and the mutual obligations of pastor and people. There are many statements in the overture which deserve attention, and might be properly spread before the churches in the form of a tract or other publication. The Committee would, however, recommend the following answer:

Whereas, The frequent dissolution of the pastoral relation is a growing evil in our Church, arising largely out of the loose opinions which prevail as to the relation of pastor and people, and the influence of men who regard more the financial than the spiritual interests of the Church; therefore,

Resolved, 1. That the Presbyteries be reminded of the necessity of giving clear and full instruction on the subject at the time of the installation of pastors.

2. That Article xvii of our Form of Government, in its spirit and letter, should be strictly observed by all our pastors and churches, and that our Presbyteries be enjoined to seek its rigid enforcement. Adopted.—1880, p. 77.

7. Presbytery may dissolve a pastoral relation, without a meeting of the congregation being held.

Overture from the Synod of Missouri, asking: 1. Is it legal for a Presbytery to dissolve a pastoral relation without a regularly called meeting of the congregation being had, and its action touching the pastoral relation reported to the Presbytery?

Answer: Yes.—1890, p. 47.

CHAPTER XVIII.

OF MISSIONS.

When vacancies become so numerous in any Presbytery that they cannot be supplied with the frequent administration of the word and ordinances, it shall be proper for such Presbytery, or any vacant congregation within their bounds, with the leave of the Presbytery, to apply to any other Presbytery, or to any Synod, or to the General Assembly, for such assistance as they can afford. And, when any Presbytery shall send any of their ministers or probationers to distant vacancies, the missionary shall be ready to produce his credentials to the Presbytery or Presbyteries, through the bounds of which he may pass, or at least to a Committee thereof, and obtain their approbation. And the General Assembly may, of their own knowledge, send missions to any part to plant churches, or to supply vacancies: and for this purpose, may direct any Presbytery to ordain evangelists, or ministers without relation to particular churches: provided always, that such missions be made with the consent of the parties appointed; and that the judicatory sending them, make the necessary provision for their support and reward in the performance of this service.

[NOTE.—For a full account of the earlier missions of the Church, and of the origin and progress of the work culminating in the present Board of Home Missions, see *New Digest* (Moore, 1861), pp. 319-341; annual *Minutes*, N. S., from 1861 to 1869; also, Baird's *Digest*, rev. ed., pp. 321-360; annual *Minutes*, O. S., from 1838 to 1869.]

1. The Standing Committee of Missions appointed.

Resolved, 1. That a Committee be chosen annually by the General Assembly to be denominated the Standing Committee of Missions; that the Committee shall consist of seven members, of whom four shall be clergymen and three laymen; that a majority of this Committee shall be a quorum to do business; that it shall be the duty of this Committee to collect, during the recess of the Assembly, all the information in their power relative to the concerns of missions and missionaries, to digest this information and report thereon at each meeting of the Assembly; to designate the places where and to specify the periods during which the missionaries should be employed; to correspond with them if necessary and with all other persons on missionary business; to nominate missionaries to the Assembly and report the number which the funds will permit to be employed; to hear the reports of the missionaries and make a statement thereon to the Assembly relative to the diligence, fidelity and success of the missionaries, the sums due to each, and such parts of their reports as may be proper for the Assembly to hear in detail; to ascertain annually whether any money remains with the trustees of the College of New Jersey which ought to be used for missionary purposes, agreeably to the last will of James Leslie, deceased; that they also engage a suitable person annually to preach a missionary sermon on the Monday evening next after the opening of the General Assembly, at which a collection shall be made for the support of missions, and superintend generally under the direction of the Assembly the missionary business.

2. That although this Standing Committee shall be elected annually,

yet each Committee shall continue in office till the end of the sessions of that Assembly which succeeds the one by which the said Committee was chosen.

3. That this Standing Committee of Missions, in addition to the duties above specified, shall be and they hereby are empowered to direct the trustees of the General Assembly, during the recess of the Assembly, to issue warrants for any sums of money which may become due in consequence of contracts, appropriations or assignments of duty made by the Assembly, and for which orders may have not been issued by the Assembly, and on this subject the Committee shall report annually to the Assembly.—1802, p. 258.

In 1805, p. 345, the number of the Committee resident in or near the city of Philadelphia was increased to ten, and one other member added for each Synod, making in the whole seventeen. In 1816 the Committee was enlarged, and the title changed to

2. The Board of Missions.

1. That the style of the Committee be changed for that of the "Board of Missions, acting under the authority of the General Assembly of the Presbyterian Church in the United States."

2. That the Board of Missions be enlarged by the addition of the Rev. John B. Romeyn, D.D., Samuel Miller, D.D., and Messrs. Samuel Bayard, Robert Ralston, Robert Lenox, John R. B. Rodgers, John E. Caldwell, Divie Bethune, and Zechariah Lewis.

3. That, in addition to the powers already granted by the Committee of Missions, the Board of Missions be authorized to appoint missionaries whenever they may deem it proper, to make such advances to missionaries as may be judged necessary, and to pay balances due to missionaries who have fulfilled their missions, whenever in their judgment the particular circumstances of the missionaries may require it.

4. That the Board be authorized and directed to take measures for establishing throughout our churches auxiliary missionary societies, and that the General Assembly recommend to their people the establishment of such societies to aid the funds and extend the operations of the Board.

5. That the members of the Board of Missions be annually chosen by the Assembly, and that they continue in office until the rising of the next General Assembly, when they are to be succeeded by the persons chosen for the current year.

The Committee further report that while deliberating on the subject referred to them, they at first thought it would be expedient for this Assembly to present to the consideration of their churches the importance of foreign missions, and to direct the Board to take measures for commencing and carrying on such missions, but on mature reflection they are inclined to believe that the union of foreign with domestic missions would produce too great complexity in the affairs of the Board, and render the pressure of business too severe and burdensome. And this consideration is strengthened by the belief which they indulge that a new society for conducting foreign missions might be formed, composed not only of members belonging to our churches, but also of members belonging to the Reformed Dutch Church, to the Associate Reformed Church, and other Churches which have adopted the same creed. Such a society is highly desirable; and were it organized on an extensive plan, so as to call forth the combined energies and charity of all those sister churches, it

would be productive of beneficial consequences both at home and abroad, to ourselves as well as to the heathen.—1816, p. 633.

3. Enlargement of powers.

Resolved, That the Board of Missions, in addition to the powers already granted to them, be authorized to manage, appoint and direct the whole concerns and business of the Assembly's missions definitely, and report annually their doings to the Assembly.

Resolved, That the Board be authorized to appoint, if they think proper, an Executive Committee of their own number, to carry into effect the details of their plan, and that they also be authorized to appoint and employ an agent or agents at their discretion. —1827, p. 217.

[NOTE.—The further action of the Assembly, in its efforts to fulfill its mission to give the Gospel to all the world, will be found in this *Digest*, Chapter xii, Sec. v, of the Form of Government, under the several heads of "Home Missions," "Foreign Missions," "Education for the Ministry," "Publication and Sabbath-school Work," "Church Erection," "Ministerial Relief," "Missions for the Freedmen," "Aid for Colleges," and "Systematic Beneficence," pp. 340–400, and also under "Synodical Sustentation," below.

4. Synodical Sustentation.

[NOTE.—The Assembly, after the plan of Sustentation (see this *Digest*, p. 349) had proven ineffective, authorized certain of the Synods to undertake, in coöperation with the Presbyteries, such plans as might seem feasible, for the support of mission work within their territory.]

a. The increased amount of the contributions to the Sustentation Department over that given last year, indicates that the scheme has a strong hold on the hearts of the people; and in the class of churches for which it was originally designed, namely, those situated in the midst of a growing population, its operation has been attended with gratifying results. But many, if not most, of the needy churches in the older and stronger Synods, are suffering from a slow process of depletion through emigration from their bounds. In such fields, and in those of very slow growth in population, the requirements of the Sustentation Department are found, after years of trial, too rigid to be complied with.

Instead of increasing in numbers so as to be able to reach and maintain the requisite rate of support per member, these churches are gradually diminishing through force of circumstances, or in other cases advancing so slightly as to fail to come under the provisions of the scheme.

In view of these facts, and the difficulty of devising any scheme of sufficient flexibility to meet the diversities of so wide a field as that of the whole Church, we are constrained to favor the adoption of such plans of Synodical sustentation as may be found expedient and suitable to the condition of weak churches within the limits of the Synods referred to. If any plan introduced should prove deficient, it might be modified; and thus, after a few trials and modifications, we are of opinion that the best method of operation would be ascertained, if not at once, at least in due time.

The Committee most heartily commend all such attempts of Synods to solve the problem, provided their plans are so carefully guarded as not to trench on the contributions which should go into the regular channels of the Board.—1884, p. 41.

b. Several of the Synods, such as New York, New Jersey and Pennsylvania, have organized Sustentation Systems by which they care for their own Home Mission work. We strongly commend this to other Synods

where it is feasible. Some Presbyteries in Synods which are as yet without a Sustentation system are doing the same work in their own bounds, and we think many more Presbyteries can also do so, and thus relieve the Board from mission work within their territory.—1887, p. 72.

5. Presbyterial oversight of vacant churches.

[NOTE.—See this *Digest*, p. 222, and also Form of Government, Chap. xxi. p. 588.]

CHAPTER XIX.

OF MODERATORS.

I. It is equally necessary in the judicatories of the Church, as in other assemblies, that there should be a moderator or president; that the business may be conducted with order and despatch.

II. The moderator is to be considered as possessing, by delegation from the whole body, all authority necessary for the preservation of order; for convening and adjourning the judicatory; and directing its operations according to the rules of the Church. He is to propose to the judicatory every subject of deliberation that comes before them. He may propose what appears to him the most regular and speedy way of bringing any business to issue. He shall prevent the members from interrupting each other; and require them, in speaking, always to address the chair. He shall prevent a speaker from deviating from the subject; and from using personal reflections. He shall silence those who refuse to obey order. He shall prevent members who attempt to leave the judicatory without leave obtained from him. He shall, at a proper season, when the deliberations are ended, put the question and call the votes. If the judicatory be equally divided, he shall possess the casting vote. If he be not willing to decide, he shall put the question a second time; and if the judicatory be again equally divided, and he decline to give his vote, the question shall be lost. In all questions he shall give a concise and clear state of the object of the vote; and the vote being taken, shall then declare how the question is decided. And he shall likewise be empowered, on any extraordinary emergency, to convene the judicatory, by his circular letter, before the ordinary time of meeting.

1. The Vice-Moderator.

In appointing the Standing Committees the Moderator may appoint a Vice-Moderator, who may occupy the chair at his request and otherwise assist him in the discharge of his duties.—1885, p. 590.

[NOTE.—See Form of Government, Chap. xii, Sec. i, p. 259; Rules for Judic. vii, p. 266.]

2. The Moderator not necessarily a member of the judicatory.

The Moderator and Clerk are ministerial officers of the judicatory. In respect of their office, they are servants merely, and not members, of the body.

Nor does the Constitution, explicitly at least, require the Moderator to be chosen from the members of the judicatory. It does, indeed, prescribe (Chap. xix, Sec. ii) that in a certain contingency "he shall possess the casting vote." And as voting is the act of a member, the implication seems to offer itself that the Moderator himself must be a member. But against this implication some other facts of the Constitution may be cited. Thus (Form of Government, Chap. ix, Sec. iii) there is the provision for inviting, in certain contingencies, a minister to moderate the church Session who is not the pastor of the church, and of course not a member of the Session; while the general law of "Moderators" (Chap. xix) gives him the casting vote. Then, again, the Form of Government, Chap. xii, Sec. vii, prescribes, concerning the General Assembly, that "the Moderator of the last Assembly, if present, or in case of his absence some other minister, shall preside until a new Moderator be chosen." Under this provision it is not necessary that the minister called to preside in the Assembly should himself be in commission.—New *Digest* (Moore), 1861, p. 173.

It may be said that this is merely for organization. True; but the whole principle seems to be involved. For the time being one not a member of the Assembly is its Moderator, and as such has a casting vote on the numberless issues which may be raised between the formation of the roll and the choice of a new Moderator; and in the former case, pertaining to church Sessions, no such limitation for mere organization exists.

Hence these two points are clearly recognized: 1. That it is not essential to the idea of a Moderator that he be a member; 2. That the privilege of a casting vote does not necessarily imply membership.—1861, pp. 457, 458, N. S.

[Note 1.—So far as the General Assembly is concerned, Rule ii of General Rules for Judicatories decides that the Moderator must be a member of it: "The last Moderator present, *being a commissioner*, or if there be none, the senior member present," p. 262.]

2. The Moderator has none other than the casting vote. See Form of Government, Chap. xii, Sec. i, 7, p. 262. For general principles as to Moderators, see General Rules for Judicatories, p. 265; also, Form of Government, Chap. xii, i, p. 261.]

III. The moderator of the Presbytery shall be chosen from year to year, or at every meeting of the Presbytery, as the Presbytery may think best. The moderator of the Synod, and of the General Assembly, shall be chosen at each meeting of those judicatories: and the Moderator, or, in case of his absence, another member appointed for the purpose, shall open the next meeting with a sermon, and shall hold the chair till a new Moderator be chosen.

[Note.—See General Rules for Judicatories, Rule ii, p. 265.]

CHAPTER XX.

OF CLERKS.

Every judicatory shall choose a clerk, to record their transactions, whose continuance shall be during pleasure. It shall be the duty of the clerk, besides recording the transactions, to preserve the records carefully;

and to grant extracts from them, whenever properly required: and such extracts, under the hand of the clerk, shall be considered as authentic vouchers of the fact which they declare, in any ecclesiastical judicatory, and to every part of the Church.

1. The term of service of their Stated Clerks is at the discretion of the Sessions, Presbyteries, Synods, and of the General Assembly.

Overture, from the Presbytery of Syracuse, asking to have a time limit of service fixed for the Stated Clerks of all the judicatories of the Church. The Committee recommend no action, inasmuch as this is a matter for the discretion of Sessions, Presbyteries and Synods, as well as of the General Assembly, as each body may consider wisest and best.—1893, p. 72.

2. The Clerk not necessarily a member of the judicatory.

a. The Moderator and Clerk are ministerial officers of the judicatory. In respect to their office, they are servants merely, and not members, of the body.

Of the Clerk this would seem to be unquestionably true. The Constitution knows nothing of the Temporary Clerk as distinguished from the Stated Clerk. As far as any provision of the "Book" is involved, it is plain that a judicatory may select any convenient person, though not a member, to record its transactions and discharge all other duties pertaining to a Clerk. For the part of those duties usually devolving upon a Temporary Clerk, we believe it is no infrequent thing for a Presbytery to employ a licentiate or other person not a member of the body.—1861, p. 457, N. S.; confirmed, 1895, p. 136.

[NOTE.—The Clerks of the Assembly are full members of it only when they sit as commissioners. See, also, this Digest, p. 269.]

b. *The above confirmed.*

Overture on "Who may be Clerk of Session?" from the Presbytery of New Castle, to wit:

Whereas, The Clerk of the Synod of Baltimore has refused to record Harold Sudell as Clerk of the Session of New Castle church, he not being a member of the court; and

Whereas, The Session of New Castle church has appealed to the Presbytery of New Castle, and Presbytery being in doubt as to the legality of their having a Clerk of Session who was not a member of the court;

Resolved, That the Presbytery of New Castle overtures the General Assembly to make a clear interpretation of the law concerning the eligibility of a male member of the church who is not an ordained elder for election as Clerk of Session.

The following answer is recommended:

This Assembly adopts and reaffirms the action upon this subject of the New School General Assembly of 1861 (see *Minutes*, p. 457), as quoted in Moore's *Digest*, 1886, p. 461, Chap. xx, to wit: "As far as the provision of the Book is involved, it is plain that a judicatory may select any convenient person, though not a member, to record its transactions and discharge all other duties pertaining to a Clerk." Adopted.—1895, pp. 135, 136.

CHAPTER XXI.

OF VACANT CONGREGATIONS ASSEMBLING FOR PUBLIC WORSHIP.

Considering the great importance of weekly assembling of the people, for the public worship of God, in order thereby to improve their knowledge; to confirm their habits of worship, and their desire of the public ordinances; to augment their reverence for the most high God; and to promote the charitable affections which unite men most firmly in society: it is recommended, that every vacant congregation meet together, on the Lord's day, at one or more places, for the purpose of prayer, singing praises, and reading the Holy Scriptures, together with the works of such approved divines, as the Presbytery within whose bounds they are, may recommend, and they may be able to procure; and that the elders or deacons be the persons who shall preside, and select the portions of Scripture, and of the other books to be read; and to see that the whole be conducted in a becoming and orderly manner.

1. Vacant congregations to meet for worship on the Lord's day.

In consequence of an overture which was brought in, the Synod earnestly recommend to all vacant congregations under their care to meet together every Lord's day, at one or more places, for the purpose of prayer and praise and reading the Holy Scriptures, together with the works of such approved divines as they may be able to procure, and that the elders be the persons who shall pray and select the portions of Scripture and other books, to be read by any proper person whom they may appoint.—1786, p. 526.

2. Elders of vacant congregations should be interrogated as to the observance of the rule.

An overture from the Presbytery of Mississippi requesting the General Assembly to recommend to the Board of Publication to issue suitable books of sermons and helps for devotion, to be used by vacant congregations, and to inquire whether ruling elders representing such congregations should be interrogated concerning the observance of the recommendation contained in Chap. xxi of the Form of Government.

Answered affirmatively.—1847, p. 401, O. S.

3. Right of ruling elders, in the absence of the pastor, to explain the Scriptures and to exhort.

The records of the Synod of Mississippi approved, except "that on p. 10 of these minutes Synod takes exception to the minutes of the Louisiana Presbytery, because that Presbytery considered it not inconsistent with the principles of our Church for ruling elders, in the absence of the pastor, to read the Scriptures and explain them, and to endeavor to enforce the truth upon the conscience by suitable exhortations. The Assembly believe the Presbytery of Louisiana was right according to Chap. xxi of our Form of Government."—1856, p. 538, O. S.

Next year the Assembly refused to modify the above.—1857, p. 41, O. S.

4. Presbyterial oversight of vacant churches.

Under our Constitution, the Presbytery is officially the pastor of every vacant church within its bounds. The question whether any such church shall continue to exist is one which the Presbytery alone can solve; and if such continued existence is deemed desirable, it is directly incumbent upon the Presbytery to provide, in some way, for the spiritual necessities of every such organization. It may group these small churches together in a joint pastorate, or in a wider circuit; it may associate some weak church with some stronger one as a single charge; it may appoint an adjacent pastor to be for the time the minister and shepherd to the little flock; it may bring in the service of intelligent elders, competent to teach and counsel, and willing to be engaged in such oversight. The General Assembly judges that by presbyterial diligence and faithfulness in these directions, much of the evil resulting from these numerous vacancies would be avoided, and many of these feeble churches might speedily be nourished into vigor and usefulness. It therefore lays the obligation to such faithfulness and diligence directly on the conscience of each Presbytery, and of every minister in each Presbytery, whether engaged in the pastoral care or in some other form of ministerial service, as one which true loyalty to the Church and to Christ will permit no one to neglect. In adopting this resolution, the General Assembly recognizes with special satisfaction the allusion to the ruling elders as possible agents and instruments in providing for the special needs of these feeble churches.—1891, p. 176.

CHAPTER XXII.

OF COMMISSIONERS TO THE GENERAL ASSEMBLY.

I. The commissioners to the General Assembly shall always be appointed by the Presbytery from which they come, at its last stated meeting, immediately preceding the meeting of the General Assembly; provided, that there be a sufficient interval between that time and the meeting of the Assembly, for their commissioners to attend to their duty in due season; otherwise, the Presbytery may make the appointment at any stated meeting, not more than seven months preceding the meeting of the Assembly. And as much as possible to prevent all failure in the representation of the Presbyteries, arising from unforeseen accidents to those first appointed, it may be expedient for each Presbytery, in the room of each commissioner, to appoint also an alternate commissioner to supply his place, in case of necessary absence.

1. The rule not enforced in case of missionary Presbyteries.

a. The Committee on Elections reported that Rev. James W. Moore had been nominated or selected by the Presbytery of Arkansas at their meeting in last September, but that the Presbytery had been prevented by high waters from meeting since then, and consequently there could be no election. On motion, Mr. Moore was admitted to a seat.—1846, p. 197, O. S.

b. In reply to a protest on this case, the Assembly says: "The

member admitted to a seat represents a body occupying the remote confines of our ecclesiastical territory—a body whose delegates must travel fifteen hundred miles to reach the usual place of meeting of the General Assembly; a body too whose meetings are liable to be interrupted by insurmountable difficulties, and in whom a technical irregularity, occasioned by such difficulties, may justly plead exemption from a rigorous application of the letter of the law. To exclude from a participation in the privileges of this body one who had surmounted so many and such formidable obstacles to reach our place of meeting because of an informality in his title, which does not, as this Assembly judges, violate the spirit of the Constitution, would be to subject a zealous and self-denying minister and a whole Presbytery to a serious grievance, and to discourage the zeal of those who of all others most need our sympathy and fostering care."—1846, p. 215, O. S.

c. A reference to the *Minutes* of the General Assembly of 1844 will show that the Rev. William S. Rogers, a commissioner from the Presbytery of Lodiana, in Northern India, was admitted without scruple to a seat in that body, though it is evident that his appointment must have been made beyond the limits of time prescribed by the Constitution. The peculiar circumstances of the case no doubt influenced, and we believe authorized, that Assembly to act as they did in the premises.—1846, p. 214, O. S.

d. Mr. Joseph B. Junkin, ruling elder of the Presbytery of the Creek Nation, produces such evidence that it is the desire of his Presbytery that he should represent it as a commissioner in this Assembly, that, considering the remote situation of the Presbytery, the difficulty of his position, and the whole bearing of the case, Mr. Junkin may be safely allowed to take his seat, without the Assembly thereby establishing any precedent to operate beyond the immediate case. The Committee is therefore of opinion that, though he was not regularly elected, he ought to be allowed to take his seat as a member of the body.—1853, p. 426, O. S.

e. In the following case it appeared from the evidence that the brethren of the mission designed to make the appointment. No communication, however, had been received from them since the meeting of the Presbytery.

The Rev. J. L. Scott, missionary in Northern India, being present from the Presbytery of Furrukhabad without a commission, but with evidence of having been duly appointed, was, on motion of Dr. R. J. Breckenridge, from the Committee on Elections, admitted to a seat, and regularly enrolled.—1853, p. 430, O. S.

2. No election through Presbytery failing to meet.

a. The Committee on Elections further reported, in the case of Mr. David M. Smith, that it appeared to their satisfaction that the Presbytery of Columbia failed to form a quorum at the time at which their stated spring meeting should have been held according to adjournment; that there were present two ministers and ruling elders from a majority of the churches, the Presbytery consisting only of five ministers; that those present requested that the Assembly would receive Mr. Smith as a commissioner from their Presbytery, in which request two of the absent members have expressed their concurrence in writing; and that it is believed that the appointment of Mr. Smith would have been unanimous

had the Presbytery formed a quorum; and further, that the Committee are divided upon the question whether, under these circumstances, Mr. Smith ought or ought not to be admitted to a seat. It was moved that Mr. Smith be admitted to a seat. After debate the question was decided in the negative.—1843, p. 171, O. S.

b. The same Committee also reported that Hamilton Smith, a ruling elder from the Presbytery of Upper Missouri, had appeared without a commission, but with a written request from several ministers and ruling elders of that Presbytery, which had been able to secure no quorum for two years past, that he be allowed to sit as commissioner. Admitted.—1865, p. 538, O. S.

c. The Rev. L. M. Miller, D.D., Chairman of the Committee on Elections, presented the following report, which was adopted, and the Rev. George W. Chamberlain was ordered to be enrolled:

The Committee on Elections would report that the Rev. George W. Chamberlain, of the Presbytery of Rio de Janeiro, Brazil, is present without a commission. Mr. Chamberlain asks admission to the Assembly on this ground: He was appointed a commissioner regularly to the Assembly of last year, and attended. He has remained in this country ever since, doing work in behalf of his mission in that country. Only three ministers belonging to that Presbytery remained in Brazil. A meeting was appointed in which it was intended to recommission Mr. Chamberlain. Just previous to the time indicated, the Rev. Mr. Simonton, one of the presbyters, died, and thus prevented organization. The members remaining desire that he may be permitted to represent that Presbytery in this Assembly. The only principle which bears upon the case is found in the *Digest* on p. 286, Sec. 129. The Committee recommends that the Assembly act upon the question of his admission without discussion.—1868, p. 620, O. S.

d. That Rev. Ira M. Condit, of the Presbytery of Canton, is bearer of an informal appointment, signed by all the members of Presbytery who were in Canton at the time; when, however, a quorum could not be assembled on account of the absence of several members in this country. He was admitted to a seat.—1869, p. 890, O. S.

3. Commissioner enrolled on petition of members of his Presbytery.

The Committee on Enrollment referred to the Assembly the case of Mr. Robert Livingstone, who, in the inability of both the principal and alternate, who had been elected to attend, was named to the Assembly, by the majority of the members of the Presbytery of Portland, as a representative of that body in the General Assembly, with a petition that he be admitted to a seat. The request was granted, and Ruling Elder Robert Livingstone was enrolled as a commissioner from the Presbytery of Portland.—1892, p. 10.

4. Commissioners from new Presbyteries.

a. The Committee to which was referred an overture on the subject of admitting commissioners from newly formed Presbyteries to seats in this house reported the following resolutions, which were adopted, viz.:

1. *Resolved*, That it be adopted as a standing rule of this house that commissioners from newly formed Presbyteries shall, before taking their seats as members of this body, produce satisfactory evidence that the Presbyteries to which they belong have been regularly organized accord-

ing to the Constitution of the Church, and are in connection with the General Assembly.

2. *Resolved, also,* That such commissioners shall be entitled to furnish the evidence required in the foregoing resolution before the house shall proceed to the choice of a Moderator.—1822, p. 48.

b. *Resolved,* That no commissioner from a newly formed Presbytery shall be permitted to take his seat, nor shall such commissioner be reported by the Committee on Commissions, until the Presbytery shall have been duly reported by the Synod and recognized as such by the Assembly, and that the same rule apply when the name of any Presbytery has been changed.—1837, p. 446.

5. Commissioners, not ruling elders, under the Plan of Union.

Under the "Plan of Union" in several cases members of "Standing Committees" not ordained elders were admitted as commissioners to the Assembly.—1820, pp. 721–724; 1826, pp. 164, 178, 181; 1831, p. 318. Growing out of the last case was the following:

Resolved, That in the opinion of the General Assembly the appointment by some Presbyteries, as has occurred in a few cases, of members of Standing Committees to be members of the General Assembly, is inexpedient and of questionable constitutionality, and therefore ought not in future to be made.

The yeas and nays on this resolution were taken and required to be recorded, and are as follows, viz., yeas 81, nays 54.—1831, p. 338.

[Note.—See *Minutes,* 1832, pp. 354–356; 1833, p. 392.]

6. Commissioners should attend to the close of the session. Presbyteries to call their commissioners to account.

a. *Whereas,* Many members of the General Assembly are, from year to year, in the habit of asking leave of absence long before its sessions are closed; and whereas, in receiving and acting upon these applications, much of the time of the Assembly is consumed, and much of the most important business has to be transacted by few members; therefore,

Resolved, 1. That the Presbyteries be directed to pay particular attention to the following minute, found in Vol. i, p. 308, of Printed Extracts, and also in *Digest* (1820)' p. 76, viz.: "The Presbyteries are informed that their Commissioners should attend with the expectation that the sessions will be of two weeks' continuance, and that arrangements should be made accordingly."

Resolved, 2. That it be recommended to the Presbyteries to inform their commissioners, when they accept an appointment, that it is expected they will continue in the Assembly until the close of its sessions, unless some unforeseen and imperious reason should require them to ask leave of absence.

Resolved, 3. That each Presbytery require their commissioners to report whether they attended the sessions of the Assembly the whole time, and that the report of the commissioners on this subject be recorded on the minutes of the Presbytery.—1824, p. 119.

b. The Committee on Leave of Absence beg leave to submit to the General Assembly that, whereas it both fulfills the requirements of our excellent Church polity, and facilitates the business of the Assembly, and also should be regarded as both a duty and a privilege, for elders as well as ministers to attend its sessions; therefore be it

Resolved, That elders and ministers who from time to time may represent the Presbyteries in General Assembly be earnestly requested to arrange their business, as far as possible, before leaving home, that they may remain to the end of its sessions, and thus fulfill their high commissions, and enjoy the valued privileges as members of the highest judicatory of our Church.

The resolution was adopted.—1862, p. 38, N. S.

c. On the recommendation of the Standing Committee on Leave of Absence, it was

Resolved, That the General Assembly earnestly recommend to its Presbyteries, as far as possible, the appointment as commissioners of those only who are able and willing to remain to the close of its sessions, to the end that all the work of the Assembly may be performed by all its members.—1867, p. 499, N. S.

7. A commissioner, having taken his seat, may not resign it to his alternate or principal.

[NOTE.—From the origin of the General Assembly, it was frequent usage for the principal to resign his seat to the alternate, and *vice versa*. But in 1827 the following act was adopted:]

The Committee to whom were referred Overtures Nos. 4 and 5, containing resolutions of the Presbyteries of Richland and Charleston Union, disapproving the practice of permitting members of the General Assembly "at various stages of the sessions to resign their seats to others called alternates," made the following report, viz.:

These overtures present two points of inquiry:

1. Whether the Constitution of the Church, according to a fair interpretation, permits the practice complained of by these Presbyteries.

2. If this practice is allowed by the Constitution, whether it is expedient that it should be continued.

As to the first question, the only authority on this subject, as far as appears to your Committee, is found in Form of Government, Chap. xxii, Sec. i, in these words: "And as much as possible to prevent all failure in the representation of the Presbyteries, arising from unforeseen accidents to those first appointed, it may be expedient for each Presbytery, in the room of each commissioner, to appoint also an alternate commissioner to supply his place in case of necessary absence."

The first remark obviously presenting itself here is that the language quoted, so far from making the appointment of alternates necessary, contains nothing more than a recommendation of the measure expressed in very gentle terms.

In the next place, although the terms of the article may be so interpreted as to make it provide for the necessary absence of a Commissioner at any time during the sessions of the Assembly, yet it appears most reasonable to suppose that the intention of the framers of the Constitution was to provide for those unforeseen events which might altogether prevent the attendance of the primary commissioners. For it is not at all probable that wise men, in drawing up a Constitution for a Church judicature of the highest dignity, whose business is often both very important and extremely difficult, would provide for a change in the members of the court after it should be constituted and become deeply engaged in the transaction of weighty affairs and the investigation of certain perplexing questions. A measure of this kind is, the Committee believe, without

example, and therefore the construction which would support it is thought to be erroneous.

If in this case the Committee have judged correctly, they are much more confident in the remarks that the Constitution does not justify the practice, now very common, of the arrangements for convenience made by the primary commissioner and his alternate, according to which the one or the other, as the case may be, takes his seat for a few days in the Assembly, resigns it, and goes to his secular business.

But, secondly, if it should be determined that the Constitution permits these changes in some instances, the Committee are constrained to believe that the practice is, on the whole, entirely inexpedient:

1. Because it creates dissatisfaction among many brethren, as well those who have complained of it as others who have held their peace.

2. It gives an invidious advantage to the neighboring Presbyteries over those which are remote.

3. It may be the occasion of a number of abuses against which the Assembly ought to guard, but which the Committee do not think it needful to specify.

4. But, chiefly, it often embarrasses and retards the proceedings of the Assembly, because members of Committees resign to alternates before the Committees to which they belonged have finished their business or received a discharge from the house; because new members coming into the Assembly in the midst of business often cannot possibly understand it sufficiently to decide on it wisely, and because speeches made in relation to matters imperfectly understood often shed darkness and throw perplexity over them, and thus very much time is wasted in discussions which profit nothing.

Finally, the practice is thought to be derogatory to the dignity and usefulness of the General Assembly. For these reasons the Committee recommend the adoption of the following resolution:

Resolved, That in the judgment of this General Assembly the construction of the Constitution, Form of Government, Chap. xxii, Sec. i, which allows commissioners, after holding their seats for a time, to resign them to their alternates, or which allows alternates to sit for a while and then resign their places to their principals, is erroneous; that the practice growing out of this construction is inexpedient, and that it ought to be discontinued.

The above report was accepted, and the resolution with which it closes was adopted.—1827, p. 209, 210.

[Note.—See 1872, p. 68, Form of Gov., Chap. ix. Also No. 19, p. 170; No. 9*a*, p. 594.]

8. Rule dispensed with under peculiar circumstances.

a. Rev. Jacob D. Mitchell informed the Assembly that, as the alternate named in the commission from West Hanover, his principal, Rev. James Wharey, not being present, he had at the commencement of the Assembly taken his seat as a member, and that Mr. Wharey had now arrived, having been detained in the providence of God. Mr. Mitchell moved that he have leave to resign his seat in favor of Mr. Wharey. It was then moved and carried that, under the peculiar circumstances of the case, the standing rule be dispensed with, and that Mr. Wharey be admitted a member in the place of Mr. Mitchell.—1836, p. 245.

b. The Rev. Thomas P. Hunt, of the Presbytery of Luzerne, stated to the Assembly that, owing to peculiar circumstances, he as alternate

had taken his seat as a member of the house, and that he wished to resign it to Rev. John Dorrance, the principal named in the commission.

Resolved, That in view of the peculiar circumstances of the case which were stated at large by Mr. Hunt, this request be granted, and that Mr. Dorrance's name be inserted on the roll instead of Mr. Hunt's.—1844, p. 368, O. S.; see also 1847, p. 382, O. S.

c. Alexander Swaney, minister of the Presbytery of Steubenville, having obtained leave of absence, his alternate, Rev. C. C. Beatty, D.D., was, on motion of Judge Leavitt, admitted to a seat.—1850, p. 459; see 1851, p. 24, O. S.

d. On motion of Dr. Hornblower, the name of Theodore Litle, ruling elder from the Presbytery of Passaic, was substituted for that of Harvey Law, who has occupied a seat as commissioner from that Presbytery since the fourth day of our session.—1861, p. 321, O. S.

9. The right of alternates to sit is at the discretion of the judicatory.

a. The Committee upon the Records of the Synod of Colorado would report their approval, with one exception, to wit:

On p. 254 the Synod excepted to the action of the Presbytery of Boulder in admitting to a seat in an adjourned meeting an alternate in place of a principal who had sat in a previous regular meeting.

The Committee had also referred to it the report of the Judiciary Committee upon the matters involved in the complaint of Rev. J. L. Reid against the action of the Synod of Colorado in excepting to the action of the Presbytery of Boulder in admitting to a seat at an adjourned meeting an alternate in place of a principal who had sat in a previous regular meeting. The Committee would report:

1. That, in their opinion, the very object of electing an alternate is to ensure, if possible, the actual representation of each constituency in its proper judicatory.

2. That, as the General Assembly has in several instances admitted to seats in its own body, during the progress of its annual meeting (see *Digest*, 1886, p. 468), an alternate in place of a principal who wished to be absent during the residue of the meeting, it is expedient that this subject, so far as there is no positive law, be left to the judgment of the several Presbyteries, as circumstances may require. Adopted.—1886, p. 110.

[NOTE.—See No. 8, p. 593.]

b. The Permanent Committee on Enrollment reported that the Rev. Dr. James T. Leftwich, principal commissioner from the Presbytery of Baltimore, had taken his seat, but had been called away and would not be able to return, and recommended that the Rev. Joseph T. Smith, D.D., an alternate commissioner from the same Presbytery, be enrolled. The recommendation was adopted, and Dr. Smith was enrolled.—1890, p. 65.

10. At an adjourned meeting alternates enrolled.

The Committee on Commissions reported that several gentlemen were present with commissions as alternates, the principals being absent. On motion, it was *Resolved*, That all alternates presenting regular commissions be enrolled, the principals being absent.—1869, reprint, p. 504, O. S.

11. Ratios and excess of representation.

[NOTE.—See in this *Digest*, p. 278.]

12. Ruling elder need not be a member of Presbytery.

Overture, from the Presbytery of Holston, asking, would the election of a ruling elder as a commissioner to the General Assembly be valid, if at the time of his election he were not in the Presbytery electing him. Such election would be valid, if he is a member of a church under the care of Presbytery. Adopted.—1889, p. 102.

13. Ruling elders who have been dismissed from the church in which they served, to another, cannot be elected.

Overture, from the Presbytery of Neosho, concerning the eligibility to election as a commissioner to the General Assembly of an elder serving under either the term or permanent service in a particular church, when dismissed to another church under the jurisdiction of the General Assembly. It is recommended that the overture be answered in the negative. Adopted.—1897, p. 133.

14. Power to expel commissioners.

[NOTE.—See in this *Digest*, p. 299.]

II. Each commissioner, before his name shall be enrolled as a member of the Assembly, shall produce from his Presbytery, a commission under the hand of the moderator and clerk, in the following, or like form,—viz.

The Presbytery of being met at on the day of doth hereby appoint bishop of the congregation of [or ruling elder in the congregation of as the case may be:] (to which the Presbytery may, if they think proper, make a substitution in the following form) or in case of his absence, then bishop of the congregation of [or ruling elder in the congregation of as the case may be:] to be a commissioner, on behalf of this Presbytery, to the next General Assembly of the Presbyterian Church in the United States of America, to meet at on the day of A.D. or wherever, and whenever the said Assembly may happen to sit; to consult, vote, and determine, on all things that may come before that body, according to the principles and Constitution of this Church, and the Word of God. And of his diligence herein, he is to render an account at his return.

Signed by order of the Presbytery,

Moderator,
Clerk.

And the Presbytery shall make record of the appointment.

1. The rule must be complied with. A certificate of appointment is not a commission.

The Committee on Commissions presented a supplemental report, which was adopted, and is as follows:

The Committee on Commissions respectfully report that the commis-

sioners whose names are hereinafter given have presented to the Committee certificates of appointment and not commissions, viz.:

The Committee recommend:

1. That these commissioners, although their credentials are informal, be duly enrolled.

2. That the Stated Clerk of the Assembly notify the Stated Clerks of the above-named Presbyteries, that the form of the commission of commissioners to the General Assembly is printed in Chap. xxii of the Form of Government, and that mere certificates of appointment are not a compliance with the requirements of the Constitution.—1896, p. 11.

2. Irregularities and defects in commissions. Commissioner received.

a. Without a commission, but brings testimony of appointment.—1792, p. 48; 1793, p. 65; 1794, p. 79; 1795, p. 94; 1806, p. 347; 1816, p. 605; 1821, p. 7, and *passim.*

b. Commission signed only by the Stated Clerk.—1795, p. 94; 1830, p. 281.

c. Not in due form.—1828, p. 226; 1829, p. 254; 1858, p. 574, N. S.; 1852, p. 201, O. S., and *passim.*

d. Wanting the date of the year of appointment.—1831, p. 317.

e. Wanting signature of Moderator.—1831, p. 317; 1833, p. 389; 1834, p. 422; 1835, p. 465; 1869, p. 889, O. S.

f. Extract from the Minutes signed by Stated Clerk.—1834, p. 422; 1835, p. 465; 1837, p. 415; 1849, p. 166, N. S.; 1851, p. 9, O. S., and *passim.*

[NOTE.—No. 1, p. 595, forbids this.]

g. Wants the signature of the Clerk.—1834, p. 422; 1836, p. 238; 1839, p. 8, N. S.

h. Dated more than seven months before Assembly.—1834, p. 422.

i. From Presbyteries whose organization has not yet been reported officially to the General Assembly.—1855, p. 265, O. S.; 1865, p. 528, O. S.; 1868, p. 597, O. S.

k. The Committee on Elections also reported that they had satisfactory proof that it was the wish of the Presbytery of Allahabad, in Northern India, that the Rev. L. G. Hay should represent said Presbytery in the General Assembly, but that, on account of the rebellion in India and consequent confusion, the Presbytery had not held a formal election, and the Committee refer the case to the Assembly.

On motion it was ordered that he be admitted to a seat, and his name was accordingly enrolled.—1858, p. 262, O. S.; 1869, p. 889, O.S.

l. The Committee on Elections reported that Rev. James M. Roberts appeared before them with a commission from the Presbytery of Santa Fé, regular in its form, but defective because the Presbytery has fallen below the constitutional number of five members. The Committee recommend that he be received, and his name enrolled. The report was adopted.—1877, p. 507.

m. John G. Kerr, M.D., an elder from the Presbytery of Canton, but without a commission, was enrolled. The facts of the case were

referred to a Special Committee, to report a minute in the case—1885, pp. 587, 588 and 684.

[NOTE.—Dr. Kerr had been, but was not at the time, an acting elder in the Second Church, Canton, having declined that the church might have native elders only.]

The Committee reported, recommending "that no further action be taken in the case."—1886, p. 114.

[NOTE.—The usage is, that where the Committee on Commissions have satisfactory evidence of the appointment of the commissioner by his Presbytery, his name is enrolled. In other cases the claim is referred to the Assembly.]

3. Some evidence of appointment necessary.

The Committee on Elections reported that Rev. Augustus Brodhead, D.D., of the Presbytery of Allahabad, appeared before them without a commission, and also without any evidence of his election as such, or of the wish of his Presbytery that he should represent them in this Assembly. The Committee recommended no action in the case. The report was adopted.—1877, p. 500.

4. The Assembly will not go behind a commission.

In the case below, a member of the Presbytery informed the Assembly that Mr. Bissell had not been set apart as an elder, but appointed, as was supposed, in accordance with the Plan of Union. In answer to a protest, the Assembly reply:

Mr. Bissell was admitted by the Assembly for the following reasons:

1. The commission which Mr. Bissell produced was in due form, and signed by the proper officers of the Presbytery.

2. Every Presbytery has a right to judge of the qualifications of its own members, and it is amenable to Synod, and not to the General Assembly, except by way of appeal or reference or complaint regularly brought up from the inferior judicatories, which has not been done in the present case.

3. It would be a dangerous precedent, and would lead to the destruction of all order in the Church of Christ, to permit unauthorized verbal testimony to set aside an authenticated written document.—1826, p. 181.

5. Assembly's Permanent Committee on Commissions.

Commissioners are to present their commissions to the Permanent Committee on Commissions, on the morning of the first day of the sessions of the Assembly. The Committee meets invariably at 8.30 A. M., of said first day, at the church in which the Assembly meets.—Standing Order, No. 2, see p. 262.

6. Advisory members.

In all regions where through the organization of Union Presbyteries there are no Presbyteries in connection with this Assembly, each mission organized as such under our Board of Foreign Missions may send to the General Assembly an ordained missionary, or ruling elder, as a delegate; and the Standing Rules of the Assembly are hereby so amended that such delegate is entitled to sit as an advisory member in the Assembly, and to speak, under the rules, on all questions, and his expenses from his domicile in this country to and during the Assembly and return, shall be met as those of commissioners, out of the funds of the Assembly.—Standing Order, No. 14, see p. 264.

7. Corresponding members.

a. *Officers of the Assembly.*

The permanent officers of the judicatory shall have the rights of corresponding members in matters touching their several offices.—Rules for Judicatories, No. 41, p. 269.

b. *Secretaries of the Boards.*

Resolved, That all the secretaries of the Boards of the Church shall have the privileges of corresponding members of the General Assembly in discussions bearing upon the interests of the Boards which they severally represent.—1870, p. 85.

c. *Delegates from corresponding bodies. Ministers casually present.*

[Note.—See in this *Digest*, p. 277.]

III. In order, as far as possible, to procure a respectable and full delegation to all our judicatories, it is proper that the expenses of ministers and elders in their attendance on these judicatories, be defrayed by the bodies which they respectively represent.

1. The commissioners' fund. Former plans.

[Note.—The Assembly of 1792, p. 59, ordered "that each Presbytery pay their own commissioners for the future, and for attending the present Assembly." In 1803, p. 279, the expense of attending the Assembly from distant Presbyteries was brought to the notice of the body by overture, and a Committee appointed. On its report, p. 282, the subject was referred to the Presbyteries, with directions to report to the next Assembly. In 1804, p. 311, the following resolution was adopted, viz.:]

Resolved, That it be recommended to the Presbyteries belonging to the Synod of New York and New Jersey, and to the Synod of Philadelphia, earnestly to advise the churches under their care to make an annual collection, to be specially appropriated to aid in the payment of the expenses of the commissioners from the more distant parts of the country, to enable them to attend the General Assembly, and that the money, when collected, be put into the hands of the treasurer of the corporation, and paid to the persons who may attend as commissioners under the direction of the General Assembly.

A more comprehensive plan, looking to collections in all the churches, was adopted by the Assembly of 1806, pp. 369–371; see also 1807, pp. 385, 386; 1822, p. 56.

In 1833, p. 410, the Assembly urgently pressed the necessity of contribution to the common fund on all the churches under its care.

[Note.—See also *Minutes*, 1847, p. 395, O. S.; 1851, p. 24, N. S.; 1857, p. 399, N. S. (*Digest*, 1886, pp. 471, 472); 1870, pp. 59, 100 (*Digest*, 1886, pp. 472–474).]

2. Mileage and contingent funds.

[Note.—Adopted by the General Assembly of 1870; and amended 1875, 1877, 1884 and 1896.]

a. It is affirmed, Form of Government, Chap. xxii, Sec. iii, that, "in order, as far as possible, to procure a respectable and full delegation to all our judicatories, it is proper that the expenses of ministers and elders, in their attendance on these judicatories, be defrayed by the bodies which they respectively represent."

The principle is thus established, that provision should be made for the payment of the traveling expenses of commissioners to the General

Assembly. This provision should be made by the Presbyteries. As far as possible, the feebler Presbyteries should be aided in this matter by the stronger. It appears just and reasonable, and so has been found by experience, that the estimated contingent expenses of each Assembly, and the traveling expenses of the commissioners in coming to and returning from the Assembly, should be fully met by the apportionment of the whole amount among the several Presbyteries, according to the number of their communicants respectively.

It is therefore recommended:

1. That the Standing Committee on Mileage, annually appointed, be instructed to present an estimate of the probable amount that will be needed by the next General Assembly, in order to meet their contingent expenses and the traveling expenses of their commissioners, with a statement of the *per capita* rate, based on the number of communicants, that will be needed to secure the amount.

2. That the Presbyteries, at their stated meeting next following the adjournment of the General Assembly, apportion the amount required of their churches as they deem best.

3. That the churches be instructed to pay over their respective apportionments at the stated meeting of their Presbyteries next preceding the meeting of the General Assembly—the whole amount due from the Presbytery to be forwarded to the Assembly by their commissioners.

4. That, as early as the fourth day of the sessions of the Assembly, the apportionment of each Presbytery be paid in full, and a bill of the necessary traveling expenses of its commissioners be presented to the Standing Committee on Mileage.—N.B. It is understood that commissioners, both in coming to and returning from the Assembly, will avail themselves of any commutation of fares that may be offered in season; and that in other cases they are to take, when practicable, the most economical route; no allowance to be made for extra accommodations on the way. Also, that no one will charge for return expenses unless he intends to go back to his field of labor; and that no one on a business tour, or excursion of pleasure, will make a convenience of the meeting of the Assembly and expect payment of his traveling expenses from the Mileage Fund. Also, that commissioners, as soon after their arrival as practicable, are to report themselves to the Committee of Arrangements, and have their respective places of abode assigned them.

5. That the Mileage Committee, after appropriating from the whole sum an amount sufficient to meet the estimated contingent expenses of the Assembly, be instructed to audit these bills and that the Stated Clerk pay them *pro rata* (if found in accordance with the preceding regulations), as far as the funds will permit.

6. That, in order to avail themselves of the proceeds of this fund, the Presbyteries must contribute their full proportion to it according to the *per capita* rate.

7. That every minister, and every vacant church contributing to this fund, connected with the Presbyteries thus complying with the provisions of this plan, be entitled to a copy of the annual *Minutes* of the General Assembly.

8. That the comissioners from Presbyteries in foreign lands receive their necessary traveling expenses, *pro rata*, from their place of residence in this country.—1870, pp. 59, 60; 1897, p. 130.

In accordance with this system, every Presbytery is requested to pay

in full, next year, to the Stated Clerk of the General Assembly, a sum equal to (four)* cents for mileage, and (one and one-half) cents for contingent expenses, or in all (five and one-half) cents for every communicant under the care of their churches, as determined by their statistical report herewith printed. This will entitle their commissioners to a full share in the apportionment for necessary traveling expenses. It is expected that these expenses will be fully met, if the Presbyteries comply with the recommendations of the Assembly.—1895, p. 324; 1897, p. 300.

They are expected, also, to provide for an

b. *Entertainment Fund.*

In addition to the Mileage Fund, the Assembly of 1877 made provision for a "Supplemental Contingent Expense Fund," to "be used for the purpose of meeting the expense of entertaining such commissioners as are not otherwise provided for." Each Presbytery is requested to contribute to this fund a sum equal at least to one and one-half cents per church member, and to forward it, with the Mileage Fund, to the Stated Clerk of the Assembly. It is to be disbursed by the Committee of Arrangements, whose bills for entertainment the Stated Clerk, as Treasurer, is authorized to pay, after they have been approved by an Auditing Committee.—1895, p. 325; 1897, p. 301.

c. *When the apportionment should be forwarded to the Stated Clerk.*

Resolved, That the Presbyteries be urged to forward the amounts of their apportionments to the Stated Clerk, at least two weeks prior to the meeting of the General Assembly.—1895, p. 126.

3. None of the Church judicatories have power to assess a tax upon the churches.

The Committee on Reduced Representation, to whom were referred certain resolutions in reference to the Mileage and Contingent Funds of the General Assembly, reported as follows:

In the judgment of the Committee, the position taken in the resolutions is the constitutional one. None of our Church courts are clothed with the power to assess a tax upon the churches. Apportionments to meet the expenses of the several bodies may be made; but the payment depends upon that voluntary liberality which flows from the enlightened consciences of the people, who may be confidently relied upon to return whatever is necessary for the conduct of our ecclesiastical business. The Committee regret while they appreciate the state of affairs which has led so many Presbyteries to announce their conditional purpose hereafter to withhold their proportion from the Mileage Fund of this body. That Fund has done so much to secure the representation of all parts of the denomination in its supreme court, that it would be a calamity to have it destroyed. The Committee express the hope that the current year will end the embarrassment which now surrounds the fund, and has led to the purposed withdrawal of Presbyterial aid; and that, this removed, the Presbyteries will continue to receive from their churches, and forward to the treasurer of the General Assembly, the full amount of the *per capita* communicant apportionment.

Under the influence of this view of the subject, the Committee report

* [NOTE.—The amount of the apportionment for Mileage, etc., varies from time to time.]

back the resolutions referred to them, and recommend the Assembly to adopt them as follows:

Whereas, Our Form of Government, Chap. xxii, Sec. ii, makes it proper for each Presbytery to pay the expenses of their own commissioners in their attendance upon the General Assembly: if any Presbytery shall choose to do so, the Assembly cannot require them to contribute to the General Fund. Nevertheless, it is hereby

Resolved, 1. That each Presbytery is hereby earnestly requested to contribute annually its full proportion for the commissioners and Contingent Funds of the General Assembly.

Resolved, 2. That any law or resolution or action of previous Assemblies, contrary to, or inconsistent with the above declaration and resolutions, be, and the same hereby is repealed.

The report was adopted.—1878, pp. 67, 68.

4. Stated Clerk authorized to pay additional bills.

That the Stated Clerk, as Treasurer of the Assembly, be authorized at his discretion to pay commissioners for any further sums that may be considered justly due them, by reason of their having underestimated railroad charges, etc.—1897, p. 137; also 1887, p. 132.

5. Power of the Assembly over these funds.

a. Overture from the Presbytery of Philadelphia Central, asking the Assembly that the "Surplus Mileage Fund, if the way be clear, be devoted to the payment of the indebtedness of the Boards of the Church."

The Committee recommend for answer, that the Assembly has no power to devote the funds collected for the expenses of the Assembly to other purposes.—1891, p. 107.

b. Overtures, from the Presbyteries of Carlisle, Detroit and Santa Fé, each making the same request, namely, that the surplus now in the hands of the Stated Clerk as Treasurer of the General Assembly, derived from Presbyterial apportionments, be at once appropriated toward paying the debts of the Boards of the Church.

Your Committee direct attention to the ruling of the General Assembly of 1891 (*Minutes*, p. 107) that the Assembly "has no power to devote the funds collected for the expenses of the Assembly to any other purpose," and recommend that said overtures be answered in the negative. —1896, p. 118.

CHAPTER XXIII.

OF AMENDMENTS.

I. Amendments or alterations of the Form of Government, Book of Discipline and Directory for Worship may be proposed by the General Assembly to the Presbyteries, but shall not be obligatory on the Church unless a majority of all the Presbyteries approve thereof in writing.

II. Amendments or alterations of the Confession of Faith, and the Larger and Shorter Catechisms, may be proposed to the Presbyteries by the General Assembly, but shall not be obligatory on the Church unless

they shall be approved in writing by two-thirds of all the Presbyteries, and agreed to and enacted by the General Assembly next ensuing, and the written votes of the Presbyteries shall be returned to that Assembly.

III. Before any amendments or alterations of the Confession of Faith, or the Larger and Shorter Catechisms, proposed by the General Assembly, shall be transmitted to the Presbyteries, the General Assembly shall appoint—to consider the subject—a committee of ministers and ruling elders, in number not less than fifteen, of whom not more than two shall be from any one Synod, and the committee shall report its recommendations to the General Assembly next ensuing, for action.

IV. No alterations of the provisions contained in this chapter for amending or altering the Confession of Faith, and the Larger and Shorter Catechisms, or of this fourth section, shall be made, unless an Overture from the General Assembly, submitting the proposed alterations, shall be transmitted to all the Presbyteries, and be approved in writing by two-thirds of their number, and be agreed to and enacted by the General Assembly.

V. It shall be obligatory on the General Assembly to transmit to the Presbyteries, for approval or disapproval, any Overture respecting amendments or alterations provided for in this chapter, which shall be submitted to the same General Assembly by one-third of all the Presbyteries. In such cases the Overture shall be formulated and transmitted by the General Assembly receiving the same to the Presbyteries for their action, subject, as to all subsequent proceedings, to the provisions of the foregoing sections.

VI. Whenever it shall appear to the General Assembly that any proposed amendments or alterations of the Form of Government, Book of Discipline and Directory for Worship, shall have received a majority vote of all the Presbyteries, the General Assembly shall declare such amendments or alterations to have been adopted, and the same shall immediately go into effect.

VII. Nothing in this chapter shall be so construed as to affect the right of two-thirds of the Presbyteries to propose amendments or alterations of the Confession of Faith, and the Larger and Shorter Catechisms, or of the General Assembly to agree to and enact the same.

[NOTE.—Adopted, 1891.]

1. Duty of the Stated Clerk in reference to answers to overtures. Committee of Canvass and action of the Assembly.

Resolved, That it shall be the duty of the Stated Clerk to present to the General Assembly next ensuing any Assembly which has sent down an overture, the written answers to said overture which may have been received by him from the Presbyteries. And thereupon, such statement from the Clerk, together with the written answers to said overture, shall be referred by the Assembly to a Committee of Canvass, to be composed of three ministers and two elders, commissioners to said Assembly.

And, upon the report of such Committee, that after canvassing the written answers of the Presbyteries to any overture or overtures, amending or altering the Form of Government, the Book of Discipline, or the Directory for Worship, it appears that it has been approved in writing by a majority of the Presbyteries, the General Assembly shall by resolution declare such amendment or alteration to have been adopted, as a part of the Form of Government, Book of Discipline or Directory for Worship (as the case may be) of the Presbyterian Church in the United States of America.

And further, upon the report of such Committee, that after canvassing the written answers of the Presbyteries to any overture proposing to amend or alter the Confession of Faith or the Larger or Shorter Catechism, it appears that it has been approved in writing by two-thirds of the Presbyteries, the General Assembly shall proceed to take such action concerning said proposed amendment or alteration as may seem expedient —under Sec. iv of said Chap. xxiii of the Form of Government, concerning Amendments—which requires said amendment or alteration to be agreed to and enacted by the General Assembly, before it becomes a part of the Confession of Faith, or the Larger or Shorter Catechism of the Presbyterian Church in the United States of America.—1891, p. 142.

PART IV.

THE BOOK OF DISCIPLINE.

Adopted 1884. Amended 1885—1894.

[NOTE.—The present Book of Discipline was prepared by a Committee consisting of: *Ministers*—Elijah R. Craven, D.D., Edwin F. Hatfield, D.D., Alexander T. McGill, D.D., LL.D., William E. Moore, D.D., Nathaniel West, D.D., Robert W. Patterson, D.D., Francis L. Patton, D.D., LL.D.; *Elders*—Hon. William Strong, LL.D., Hon. Joseph Allison, LL.D., Hon. Samuel M. Breckinridge, LL.D., Hon. Samuel M. Moore, LL.D., and Hon. John T. Nixon, LL.D. The revised book was submitted to the Assembly of 1883, sent down in that year to the Presbyteries, whose vote was 131 in the affirmative and 36 in the negative, and was declared adopted by the Assembly of 1884. See for the history of the undertaking, Moore's *Digest*, 1886, pp. 575–582.
See, for Amendments to the Book of Discipline, p. 13 of this *Digest*.]

CHAPTER I.

OF DISCIPLINE: ITS NATURE, ENDS, AND SUBJECTS.

I. Discipline is the exercise of that authority, and the application of that system of laws, which the Lord Jesus Christ has appointed in his Church: embracing the care and control, maintained by the Church, over its members, officers, and judicatories.

II. The ends of Discipline are the maintenance of the truth, the vindication of the authority and honor of Christ, the removal of offences, the promotion of the purity and edification of the Church, and the spiritual good of offenders. Its exercise, in such a manner as to secure its appropriate ends, requires much prudence and discretion. Judicatories, therefore, should take into consideration all the circumstances which may give a different character to conduct, and render it more or less offensive; and which may require different action, in similar cases, at different times, for the attainment of the same ends.

1. Prompt discipline best fitted to secure a happy issue.

It is further the opinion of the Assembly that had the improper conduct of the appellant been made a subject of discipline at an earlier period, a more happy issue might have been reached. The Assembly formally and affectionately urges on the appellant a submission to the sentence of his brethren and a speedy return to the path of duty and privilege.—1859, p. 547, O. S.

2. The censure must be proportionate to the offence. Sentence reversed where the censure was too severe.

a. The Assembly proceeded to consider the appeal of Mr. Jabez Spicer from the decision of the Synod of Geneva, by which Mr. Spicer had been deposed from the Gospel ministry. The documents on the subject were read, and the parties were heard. It was

Resolved, That the appeal of Mr. Spicer be sustained, on the ground

that the sentence pronounced upon him was disproportioned to his crime, it not appearing substantiated that he was guilty of more than a single act of prevarication; while, therefore, the Assembly express their entire disapprobation of the conduct of Mr. Spicer, as unbecoming a Christian and Christian minister, they reverse the sentence of deposition passed upon him by the Presbytery, and direct that after suitable admonitions and acknowledgments he be restored to the ministerial office.—1821, p. 24.

b. The discussion of the motion to reverse a decision of the Presbytery of Lexington, by which decision Mr. George Bourne was deposed from the Gospel ministry, was resumed. This motion was determined in the affirmative, and is as follows, viz.:

The Assembly judge that the charges in the case of Mr. Bourne were not fully substantiated, and that, if they had been, the sentence was too severe. Therefore,

Resolved, That the sentence of the Presbytery of Lexington, deposing Mr. Bourne, be reversed, and it is hereby reversed, and that the Presbytery commence the trial anew.—1817, p. 646.

c. The Assembly sustain the appeal of David Price from the decision of the Synod of Geneva, on the ground that the charge of intoxication was not sufficiently supported by the testimony; although it does appear, principally from his own confession, that he had made an unbecoming use of ardent spirits, and that an admonition was, in the view of the Assembly, deserved, and would have been sufficient.—1825, p. 155.

d. There seems to have been, in the proceedings of the Session, too much precipitation and absoluteness, and too little of that calm and practical vindication of their own dignity, which mildness and forbearance, in the spirit of our Master, are largely necessary to inspire; and this especially in reference to the sentence they pronounced.

The Assembly therefore decide in the premises, that the sentence of the Session, suspending the appellant be, and it hereby is reversed, as also the decision of the Presbytery confirming that of the Session.—1839, reprint, p. 64, N. S.

e. *Resolved*, That the decision of the Synod of Cincinnati, reversing the action of the Presbytery and Session, upon the second charge, be sustained in part, on the ground that the suspension of the parties accused was too severe in the case, and that the Session be recommended to revoke the suspension and admonish the parties.—1865, p. 550, O. S.

[NOTE.—See for Complaint of Session of the Seventh Presbyterian Church, Cincinnati, *Minutes*, 1865, p. 538, O. S.]

3. The decisions of the civil courts not conclusive in the judicatories of the Church. Every member of the Presbyterian Church entitled to a fair trial according to the methods of his church, before condemnation.

Overture from the Presbytery of Washington City, asking the Assembly to enact that:

Any minister or member of the Church, convicted in the civil courts of an offence, recognized as such by the Standards of our Church, may, without further process, be suspended from all the privileges and offices of the Church until the judicatories of the Church having jurisdiction in the case shall, after due investigation, be satisfied of his innocence or repentance.

The Committee recommend that, while admitting that some possible cases may occur, in which nothing else can be done, but that which is here asked, the overture be answered in the negative, because:

1. The subject-matter of the overture involves a constitutional change, which must needs be overtured to the Presbyteries, which it is not now desirable to do.

2. The processes of civil courts differ so much from those of our Church judicatories, and their decisions are not so infallible, that our Church judicatories can adopt them without investigation.

3. It is the sacred right of every member of the Presbyterian Church, to have a full and fair trial, according to the laws and methods of his church, before condemnation. Adopted.—1885, pp. 602, 603.

4. Great tenderness enjoined.

Whereas, It has appeared on the trial of Judicial Cases 1 and 2 that full testimony was given, as well in this court as in the trial in the courts below, to the exemplary Christian character of the appellants in these cases respectively; and,

Whereas, The offence which has subjected said appellants to the discipline of the Church has arisen from a conscience misled by erroneous views of their duty; therefore,

Resolved, That it be recommended to the Session of the church of Caledonia to deal with these brethren with the utmost tenderness and Christian affection, that they may be led to see their errors and return to their duty, and that they may be restored to the fellowship of the Church, from which they have been too long separated.—1859, p. 548, O. S.

III. An offence is anything, in the doctrine, principles, or practice of a church member, officer, or judicatory, which is contrary to the Word of God; or which, if it be not in its own nature sinful, may tempt others to sin, or mar their spiritual edification.

[NOTE.—See Larger Catechism, Questions 104–151, and this *Digest*, pp. 632–634. For decisions and deliverances on doctrine, see Confession of Faith, Chaps. i, ii, iii, iv, vi, x, p. 45, seq. and Book of Discipline, Chap. i, Sec. iv, p. 631.]

I. DOCTRINE.

[NOTE.—See this *Digest*, p. 115.]

II. MORALS.

1. Breach of Sabbath observance.

While, therefore, we earnestly entreat our fellow-citizens of every class to "remember the Sabbath day to keep it holy," the Assembly do hereby in a special manner enjoin it upon the church Sessions to watch over their brethren with tenderness and great fidelity in respect to the observance of the Sabbath, and to exercise wholesome discipline on those who by traveling or other ways presume to trample upon this sacred institution; and we further enjoin it upon the Presbyteries annually to institute inquiries of the eldership as to the manner in which this injunction has been attended to in their respective churches.—1853, p. 323, N. S.

[NOTE.—See deliverances upon the Sabbath at large, under Directory for Worship, Chap. i, p. 808. Also, under Confession of Faith, Chap. xxi, p. 89.]

2. Theatrical exhibitions, and dancing condemned.

a. On the fashionable, though, as we believe, dangerous, amusements of theatrical exhibitions and dancing we deem it necessary to make a few observations. The theatre we have always considered as a school of immorality. If any person wishes for honest conviction on this subject, let him attend to the character of that mass of matter which is generally exhibited on the stage. We believe all will agree that comedies at least, with a few exceptions, are of such a description that a virtuous and modest person cannot attend the representation of them without the most painful and embarrassing sensations. If, indeed, custom has familiarized the scene, and these painful sensations are no longer felt, it only proves that the person in question has lost some of the best sensibilities of our nature, that the strongest safeguard of virtue has been taken down, and that the moral character has undergone a serious depreciation. —1818, p. 690.

b. With respect to dancing, we think it necessary to observe that, however plausible it may appear to some, it is perhaps not the less dangerous on account of that plausibility. It is not from those things which the world acknowledges to be most wrong that the greatest danger is to be apprehended to religion, especially as it relates to the young. When the practice is carried to its highest extremes, all admit the consequences to be fatal; and why not, then, apprehend danger even from its incipient stages? It is certainly in all its stages a fascinating and an infatuating practice. Let it once be introduced, and it is difficult to give it limits. It steals away our precious time, dissipates religious impressions and hardens the heart. To guard you, beloved brethren, against its wiles and its fascinations, we earnestly recommend that you will consult that sobriety which the sacred pages require. We also trust that you will attend with the meekness and docility becoming the Christian character, to the admonitions on this subject of those whom you have chosen to watch for your souls. And now, beloved brethren, that you may be guarded from the dangers we have pointed out, and from all other dangers which beset the path of life and obstruct our common salvation, and that the great Head of the Church may have you in his holy keeping, is our sincere and affectionate prayer. Amen.—1818, p. 690.

c. *Promiscuous dancing calls for faithful and judicious discipline.*

Resolved, That the fashionable amusement of promiscuous dancing is so entirely unscriptural and eminently and exclusively that of "the world which lieth in wickedness," and so wholly inconsistent with the spirit of Christ, and with that propriety of Christian deportment and that purity of heart which his followers are bound to maintain, as to render it not only improper and injurious for professing Christians either to partake in it, or to qualify their children for it by teaching them the art; but also to call for the faithful and judicious exercise of discipline on the part of church Sessions when any of the members of their churches have been guilty.—1843, p. 14, N. S.; reaffirmed, 1853, p. 340, N. S.; also 1867, p. 513, N. S.; 1876, p. 27.

d. *Social dances and private theatricals.*

An overture from the Presbytery of Cincinnati, proposing the following questions, viz.:

1. Are social dances and private theatricals included under the head of "dancing and stage plays," mentioned in the Larger Catechism, amongst "the sins forbidden in the seventh commandment?"

2. Is it the duty of the church Sessions to exercise discipline upon those members of the Church who send their children to dancing schools, or who give and attend dancing parties? and if so, ought such discipline to be carried to the extent of exclusion from the sacraments, where other means fail of producing reformation?

The Committee recommended the following reply, which was adopted:

To the first question:

That whilst the pleasures of the ballroom and the theatre are primarily intended by the "dancing and stage plays" forbidden in the answer to the 139th question in the Larger Catechism, the spirit of the prohibition extends to all kindred amusements which are calculated to awaken thoughts and feelings inconsistent with the seventh commandment, as explained by the Saviour in Matt. v. 27, 28.—1860, p. 21, O. S.; confirmed, 1891, p. 155.

[NOTE.—The Catechism reads, "lascivious songs, books, pictures, dancings, stage-plays." See p. 634.]

e. *Promiscuous social dancing, and dancing schools.*

To the second question:

1. That whilst we regard the practice of promiscuous social dancing by members of the Church as a mournful inconsistency, and the giving of parties for such dancing on the part of the heads of Christian families as tending to compromise their religious profession, and the sending of children by Christian parents to the dancing school as a sad error in family discipline; yet we think that the Session of each church is fully competent to decide when discipline is necessary, and the extent to which it should be administered.—1860, p. 21, O. S.; 1891, p. 155.

2. Overture on a Presbytery's approving the minutes of a Session prohibiting dancing, from the Presbytery of Portsmouth. The Committee recommend the following answer: The Presbytery of Portsmouth is referred to the action of the General Assembly (Moore's *Digest*, 1886, p. 587) on the subject of dancing, which action, while disapproving of the practice of promiscuous dancing, yet leaves the whole subject of dancing to the Sessions of our churches. While the power of disciplining for dancing is thus clearly in the hands of the Session, yet it was not the intention of the Assembly to authorize the Sessions of our churches to enact laws, which may be construed as creating new and unscriptural conditions of church membership, and we would recommend the Presbytery so to advise the Session of the church referred to in the overture.—1895, p. 106. (See 1 above.)

f. *Deliverances* c, d, *and* e *confirmed.*

Overtures from the Presbyteries of Clarion, Dayton, Erie, Redstone and Chenango, asking for some further deliverance on the subject of promiscuous dancing, in order that a felt and growing evil may be checked among the membership of our churches. In reply to Overtures 5 to 9 inclusive, on the subject of promiscuous dancing, the Committee recommend the following:

The overtures of previous Assemblies of both branches of the Church, on the subject of promiscuous dancing, are agreed in deploring the practice as a mournful inconsistency, and as regarding the giving of parties for such dancing by the heads of Christian families, as involving a compromise of their religious profession. These deliverances are also agreed, in declaring that the Session of each church is fully competent to decide upon what discipline is necessary, and to what extent it should be administered.

This General Assembly, therefore, reaffirms these deliverances of the Assemblies of both branches of the Church (see, especially, N. S., 1843, p. 14, and O. S., 1860, p. 21, as recorded in *Digest*, 1873, pp. 476, 477); and, further, counsels church Sessions to arrest this evil, so far as practicable, by wisely guiding the enthusiasm and activity of the younger members of their churches, by both precept and example, into the many forms of useful service now providentially presented to all who delight to serve and honor Christ.—1876, p. 27.

g. *Theatres, and card-playing.*

In regard to so much of the above overture as refers to "theatres and theatre-going," this Assembly reaffirms the action of the General Assembly of 1818 (see *Minutes*, p. 690, and new *Digest*, Moore, 1861, pp. 262, 263). In this action the Assembly declared the theatre to be "a school of immorality." This Assembly, seeing no occasion to modify the utterance then given, earnestly exhorts all the members of the Church in their practice to avoid, and by their influence to discountenance, all such "dangerous" amusements, as being inconsistent with the spirit of the Gospel, and detrimental to the best interests of piety in the heart.

In respect to "the custom of fashionable card-playing," referred to by the memorialists, and represented as being "countenanced in many of our Christian households," and also "participated in by members of our churches," this Assembly would affectionately exhort all the members of the Presbyterian Church to practice the most careful watchfulness in avoiding all recreations and amusements, whether in the form specified in the memorial or otherwise, which are calculated to impair spirituality, lessen Christian influence or bring discredit upon their profession as members of the Church of Christ.—1865, p. 45, N. S.

3. Popular amusements in general.

A paper reported by the Committee on Bills and Overtures on the subject of the opera, the theatre, the dance and card-playing, was referred to a Committee, consisting of the Rev. Herrick Johnson, D.D., Rev. William E. Moore and Mr. Alexander Whilldin, to report at the adjourned meeting.

The Special Committee to whom was referred a paper on the subject of amusements presented their report, which was adopted, and is as follows:

The question of popular amusements is one that cannot be settled by statute. It has to do with the spirit and the life of Christianity rather than with the letter of its law. Hence the impossibility of specific enactment. But the very fact of its near and vital connection with spiritual life justifies and demands for it a thoughtful consideration.

What Scriptural guidance have we in the matter? What posture ought the Church to assume toward so-called popular amusements? A sweeping condemnation of them would be a sweeping folly. To say of

them all that they are inherently and positively sinful is simply to say what is not true. And to protest against suitable recreation would be to protest against a mental and moral necessity. A long-visaged and sombre-hued piety is not after the order of the Gospel. That makes recognition of the laugh, the joy of life; has no frown for the play-side of our nature, bids us serve the Lord with gladness. Nowhere so much as in the heart of God's people should joy have her home and go rippling out in the channels of deed and speech.

But what is suitable Christian recreation? We are without a specific "Thus saith the Lord" for each specific form of pleasure. But this is by no means to acknowledge that we are without Scriptural guidance. The spirit is broader and deeper than the letter. There are general principles whose profound and subtle reach makes it impossible that they should be framed by a law. Those that bear on this question of popular amusements are three:

I. The first general principle has respect to the relation which Christians sustain to each other. It is discussed in Rom. xiv and in 1 Cor. viii. Christian liberty in things indifferent is there distinctly recognized, but it is bounded and limited by a higher law. We must not abuse our liberty to the offence of our brethren. We must bridle our knowledge with charity. We are bidden to beware how we tamper with the sanctities of a brother's conscience, and to beware how we trifle with the necessities of a brother's weakness. The law of conscience and the law of love are far more sacred and more precious and more to be regarded than the law of liberty. To the child of God they ought to be always paramount. To assert independence at the expense of wounding a brother's conscience is "to sin against Christ." "It is good neither to eat flesh, nor to drink wine, nor anything whereby thy brother stumbleth." Of course, a merely personal, puerile, wretched scrupulosity is not to be foisted upon the Church for its government. But amusements whose tendencies are inherently and almost inevitably to excess, where the weak and the unstable may stumble and perish, and against which there is a general Christian conscience, are decisively condemned by this plain Word of God.

II. The second general principle has respect to the relation which Christians sustain to the world. It is negative and summed up in this: "Be not conformed to this world." It is a relation of non-conformity. Christians are to be unlike the world, and distinguishable from it. This idea of separateness runs through all the warp and woof of Scripture. And it clearly does not imply a separation from the grossly evil of the world. This is specifically and positively commanded. Christians are pledged and sworn to obedience by their very profession. The separation involved in non-conformity is from worldliness—from the wordly spirit. It is a demand that the whole tone and bent and current and spirit of the Christian life shall be different from that of the worldly life—so different that it shall be manifest to the world that the people of God are pilgrims and strangers on the earth; that they are walking with God; that they are a peculiar people, called out of the world while still remaining in it; God's witnesses; living epistles; the salt of the earth; distinctive, chosen, set apart, recognizable everywhere as having been with Jesus, and as holy in all manner of conversation. Let Christians apply to their lives this one central, prominent, Gospel idea of non-conformity, let them press it on all their conduct until they give unmistakable exhi-

bition of the spirit of these unmistakable words of Christ and the apostles, and it will go very far to settle this whole question of rational or irrational amusements.

III. The third general principle has respect to the relation which Christians sustain to Christ. It is positive, and summed up in this: "Whatsoever ye do, in word or deed, do all in the name of the Lord Jesus." Broad, comprehensive, universal in its applicability, yet most specific, after all, in its fundamental conditions—"Whatsoever ye do." In another place, applied to the every-day necessity and act of our life—eating and drinking; applicable, therefore, to our recreations. It is Scriptural condemnation of every form of social diversion in which a Christian cannot indulge "in the name of the Lord Jesus." It is divine indorsement of whatever is done by a child of God, into which he may go, and out of which he may come, and through the progress of which he may continue, without there being one moment when it would be in any way inconsistent for him to ask his Lord's approval of him there, and of what he is doing, and witnessing and countenancing and supporting.

Let this principle be honestly and conscientiously applied. It will settle many a doubt. It will condemn many a popular amusement. It bars out every indulgence that cannot be had in consistent and loving remembrance of our Lord. Amusements that undermine the health and waste vitality; amusements by which the weak and lame are so often turned out of the way only to stumble and perish; amusements that make it appear as if God's children were as eager after and intent upon the gayeties and festivities of the world as the children of the world themselves; amusements making it essential for Christians to take positions that ought to bring, if they do not bring, the blood to their faces; amusements that compel Christians to witness scenes, and to hear quips and jests, soiling their spirits with suggested uncleanness—these all, and all like these, are branded with condemnation by this divine precept. No true disciple of Christ can give himself to such amusements "in the name of the Lord Jesus."

We close as we began. This whole question must be taken out of the domain of abstract casuistry. It is not so much a question of absolute right and wrong as of conscience and charity. The spirit of our life is far more important than the letter of our law. The rule of love is higher than the law of liberty. Christianity antagonizes worldliness, it does not conform to it. The Church should deal with it not so much by the axe of discipline as by the sword of the Spirit. Yet, without a doubt, the very law of love may sometimes require a kind, considerate, thoughtful exercise of the disciplinary power of the Church. But our chief appeal must be to the conscience. Our main reliance must be on the spirit and the life demanded by a whole-hearted surrender and commitment to the Lord Jesus. Those who are constrained by the love of Christ can scarcely allow themselves indulgence in any business or recreation, any work or play, into which and through which and out of which they cannot consistently go, with ever-present and affectionate remembrance of Him "who gave himself for us, that he might redeem us from all iniquity, and purify unto himself a peculiar people, zealous of good works."—1869, pp. 487–489, N. S.; confirmed, 1891, p. 155.

4. Card-playing and games of chance. The dance and the theatre. Progressive euchre.

a. The Special Committee on Certain Forms of Worldly Amusements, presented its report, which had been recommitted to it.

The report was received, amended, adopted, and is as follows:

The Committee appear before you under the following action reported from the Committee on Bills and Overtures, and adopted by the Assembly:

"To report a paper for adoption by this Assembly, which shall reaffirm the deliverances of former Assemblies, adding what is needed for our times, and call upon the Church, by means of thoughtful and godly living in its members, and through its pulpits and church Sessions, to do all that can be Scripturally done to free the Church from the evils flowing from these practices."

If this world is to be conquered for Christ, His servants must perceive and dislodge the enemy wherever found. They should not see evil where there is no evil, nor should they call that good which is really evil, judged in itself, or by its fruits. Fortunately for the Church, the Master has said, "By their fruits ye shall know them." We do not therefore concern ourselves, for example, with dancing or theatre-going in themselves considered; or with the impersonation of character, or the mimic representation of any proper subject without evil accessories, but we are concerned with the dance, or the theatre, or card-playing as institutions, world-wide, very ancient, and, with human nature what it is, too often injuriously fascinating. It is with their actual obstruction to the Gospel, as intelligently perceived, that we have to deal.

In reference to card-playing and all games of chance, the Committee respectfully raise the question, or perhaps it is not a question, whether they are not in themselves sinful? and, as tending to the decision of that question, we submit the following reasoning, viz.:

As a matter of fact or reality, there is no such thing as chance. In the place of what men call chance is the living God, omnipresent and omniscient. An appeal to God without serious cause is profane. Nor is this reasoning impaired by the suggestion sometimes made, that those who play at games of chance do not intend to be profane. Thus, an habitual swearer is not conscious of an intention to be profane, yet who shall say he is not, while oaths continue to drop from his lips? Ignorance and thoughtlessness are the negative causes of his unconscious guilt. Are they not also in the other case?

The standard by which right and wrong are determined is the moral law of God. Whether a responsible creature's act is right or not is to be determined by his real relations to God in the act. His relation to God exists. He refers to the nonentity chance for decision, a matter which God only can and does determine. Hence his appeal proves to be an appeal to God, and an appeal to God without proper cause is profane. If this view carries with it serious consequences, we, on that account, all the more beg of the Assembly, and would of the whole Church, the most thoughtful and prayerful consideration of it; for, if true, it behooves all to acknowledge it and be guided by it.

The Scriptures show that the lot involving the principle of chance is an ordinance of God. "The lot is cast into the lap; but the whole disposing thereof is of the Lord" (Prov. xvi. 33). Likewise our Standards show the same; and teach that the lot improperly used is

sinful. See the answer to the 113th question of the Larger Catechism, where it is declared that among the sins forbidden in the third commandment are "all sinful cursing, oaths, vows, and lots."

In reference to card-playing under the popular style of "progressive euchre," your Committee would fain hope the practice is diminishing in the centres of social influence—the larger cities. But whether this is so or not, it still exists to such extent as, if it be wrong, to do great harm. If the principle for which we have contended be true, that games of chance are necessarily sinful, that ought to settle the question for all who love God and seek to obey Him. Besides this, much as we could desire to say nothing which would unnecessarily shock or wound the feelings of any, your Committee fail to see how this practice does not combine in itself the essential elements of gambling. Our civil statutes and courts of law, for substance, define gambling to consist in playing at any game of chance for money, or anything else of value. That something of greater or less value is generally played for in this parlor style of card-playing is too well known to need any affirmation by this Committee. And civil courts have already decided it to be gambling. What a subject for thought and humiliation it is, and an evidence that evil can stealthily creep into the Church, although the most glorious body on earth, that here is a practice indulged in by church members which, when brought into court, has been found to be under the ban of State law, which looks only to public policy. How then is the Church fulfilling her mission as the light of the world? How can her people be the salt of the earth when the salt cannot be distinguished from the earth?

No General Assembly of our Church has made a deliverance touching card-playing in any form for the last fifteen years, nor upon theatre-going and dancing for twelve years. In view of these facts, and in view of the whole subject, involving the most weighty interests, your Committee would recommend for adoption the following resolutions:

1. That this General Assembly reaffirms the deliverances of past Assemblies on the subject of worldly amusements, calling attention to the excellent summary of Christian principles set forth in the action of the Assembly of 1879, and the resolution adopted by the Assembly on "the theatre and opera" (*Digest*, Moore, 1886, pp. 590, 591). Also to the action of the New School Assembly in 1869 on "the opera, the dance, the theatre and card-playing" (*Digest*, Moore, 1886, pp. 588, 590); and the action of the Old School Assembly of 1860, interpreting our Standards, in answer to an overture from the Presbytery of Cincinnati, to the effect, that social dances and private theatricals are included under the head of "dancing and stage-plays" mentioned in the Larger Catechism amongst the "sins forbidden in the seventh commandment," and declaring church Sessions fully competent to decide when and how far discipline should be exercised (*Digest*, Moore, 1886, pp. 586). (See this *Digest*, pp. 613, (b); 609, (3); and 608, (d).

2. This General Assembly would affectionately call upon all the members of our Church, to so regard their obligations to Christ, as to see to it, that they take no part in amusements which they cannot take in His name.—1891, pp. 153–155.

b. *The theatre and the opera.*

The Committee recommended the following resolution:

A resolution in regard to the theatre and the opera referred to the

Committee by the Assembly. In reporting this resolution for adoption, your Committee think it wise to invite the attention of our churches to those grounds of Christian principles, so easily overlooked, on which the Assembly based their disapprobation of these forms of entertainment. They recommend that the following minute be recorded, with the intent that the pastors, at their discretion, may read it from their pulpits:

The General Assembly affectionately request all the churches and church members under their care to weigh and make application of the following principles and considerations:

1. Christian piety does not consist in any merely outward proprieties, but chiefly in those renewed and positive affections and principles which attend the life of Christ in the souls of His people.

2. Yet, inasmuch as it is impossible for the Church to look directly, as God alone can, upon the affections and principles by which her members are controlled; and, inasmuch as a sense of common infirmity prompts all good men to judge charitably each other's characters, it comes to pass that the mere external propriety which avoids gross sin possesses with men a Christian currency and acceptableness which it can by no means have with Christ, who died for us that we might live unto Him.

3. Since Christians are of necessity intimately associated with those who are not Christians, and since, especially in matters that are not covered by specific divine law, men's views of what is externally proper are so largely affected by the views and practices of the community about them, it further comes to pass that neither the Bible, nor the Church, nor the thoughtful consciences of Christians, but worldly usage, is allowed to define those limits of external propriety to which a Christian may reputably go.

4. It is in this way that many forms of dangerous worldly indulgence come to be included as allowable elements of Christian living. No one would claim that the divine development of the life of Christ in the new heart of a Christian would, of itself, lead to entertainments whose prevailing influence over those who partake of them, and, signally, over many of those who provide them, is like that which the theatre and the opera are known to exert. Surely no Christian will maintain that his devotion to Christ binds him to use and encourage these forms of entertainment. At most, he defends them, and by the plea that they are not so wrong that, to love them, resort to them, and uphold them, disproves piety.

The Assembly raise their affectionate warning against that whole principle of living, which sets aside the sacred and inspiring responsibilities of a life wholly Christ's, in the interest of any gratifications, which are at the same time gratuitous and of harmful tendency. It is true, indeed, that men can find, or can make, temptations in forms of action which are of indispensable use; and that fact in no way forbids a Christian to share in such necessary acts. Thus the avarice of some men and the gluttony of others do not forbid Christians to use food or money. But when a form of action is uncommanded and entirely voluntary, being chosen only for the pleasure which it gives, it can claim no allowance from a loyal Christian conscience, unless it commend itself to the most enlightened and enlarged Christian love for Christ, for holiness and for the souls of men.

In view of this simple, fundamental, and far-reaching principle, so

frequently explained in the New Testament, the Assembly now appeal to all the pastors, Sessions, and church-members under their care, that they discourage, in all earnest and consistent ways, the resort of Christians and their families to the theatre and to the opera.

It would be easy to enumerate with these many other forms of public and social amusement which, on account of their known practical tendency, are equally precluded by the same principle. But no list of such unwholesome gratifications could possibly be made complete. The Assembly, therefore, are not to be thought to be indorsing any worldly usage of which they now omit to speak; but they consider that there are special reasons for calling attention to those two forms of recreation which have been named. They are very prevalent and very seductive; they are notably unfriendly to personal spirituality, to the safe training of children and youth, to the just and predominant interest of the Church's members in the Church's own meetings for simple and unartistic prayer and praise, and to a healthy taste for the direct and spiritual exercises of public worship. In addition to this, they are publicly partaken of in the presence of a multitude, and therefore they exert such a power of misleading example as hardly belongs to any other form of worldliness. And, finally, they are very commonly excused by abstract pleas which overlook entirely their known and settled practical tendency. For these reasons the Assembly count it their duty to utter in regard to them a tender but explicit warning. The prayerful and considerate attention of pastors and people is accordingly called to the following resolution:

Resolved, That, in view of the increased attendance of church members at the theatre and opera, the Assembly bear earnest and solemn testimony against this practice as inconsistent with Christian duty, since it not only gives countenance and support to an institution, justly described by a former Assembly as a school of immorality, but is in itself spiritually hurtful, and tends to obliterate the line which should always be plainly visible between the followers of Christ and the world.—1879, pp. 625, 626; reaffirmed, 1891, p. 155.

5. Gambling, lotteries, horse-racing, betting, etc.

a. *These sins to be denounced and avoided.*

The vice of gambling has also been forced upon our attention. We indeed hope that few, or perhaps none, of our actual professors have indulged themselves in the practice of what they consider as coming under the denomination of gambling. But perhaps there are some addicted to this practice who have evinced a predilection for our Church and forms of worship, and who are not unwilling to receive the word of admonition from us. Such we would earnestly exhort to consider in the most serious manner the consequences of the course they are pursuing, and the awful lessons which the experience of the world is every day exhibiting on this subject. But it is our duty further to testify that all encouragement of lotteries and purchasing of lottery tickets, all attendance on horse-racing and betting on such, or any other occasions, and all attempts of whatever kind to acquire gain without giving an equivalent, involve the gambling principle, and participate in the guilt which attaches to that vice.—1818, p. 690.

b. *Lotteries to be discountenanced.*

The report of the Committee on the subject of lotteries, which was laid on the table, was taken up and adopted, and is as follows, viz.:

That although so often sanctioned by legislative acts, although the proceeds of lotteries have not unfrequently been appropriated to benevolent and religious objects, although many wise and good men have, in periods past, by their participation or agency given countenance to lotteries, yet your Committee cannot view them in any other light than that of legalized gambling.

It would require volumes to record all the evils resulting from this system of predatory speculation. It adds nothing to the wealth of the community. It too often takes from the uninformed poor the property obtained by labor and skill, and transfers the same without the least equivalent into the hands of the idle and unworthy. It thus becomes the means of introducing and extending habits of gambling in all forms. Hundreds of families yearly are reduced to dependence and beggary, and not unfrequently its deluded victims terminate their miserable existence in this world by suicide.

Contemplating this multitude of evils to individuals, to families and to the community at large, your Committee beg leave to submit the following resolutions:

Resolved, 1. That, in the opinion of this General Assembly, all lotteries should be discountenanced by every professed member of the Presbyterian Church as immoral in their nature and ruinous in their effects upon individual character and the public welfare.

2. That the purchase and sale of lottery tickets should be avoided by every member of our Church, even when the professed object of the lottery may be praiseworthy, inasmuch as it is not allowable to do evil that good may come.

3. That all the Presbyteries under the care of this General Assembly be, and they hereby are recommended to take order on the subject of lottery gambling, to press the consideration of it and its attendant evils upon ministers and Sessions, and to adopt such plans of operation as may free the Church from all participation in this sin, enlighten, arouse and direct public opinion, and save our country from this and every other species of gambling.—1830, p. 306.

[NOTE.—See No. 4, p. 612; *Minutes*, 1891, pp. 153–155.]

c. *Circulation of lottery schemes through the mails.*

A petition having been referred to this Committee respecting the circulation through the mails of lottery schemes and immoral literature, the Committee recommend the following resolution:

Resolved, That the General Assembly renew the expressions of the last Assembly, of sympathy with the efforts to suppress the circulation, in the mails and otherwise, of publications of this character.—1880, p. 77.

[NOTE.—See *Minutes*, 1879, p. 556; 1890, p. 37.]

d. *All games of chance discountenanced.*

In view of recent notorious attempts to force the lottery system upon some portions of our land by legislative enactments, the General Assembly does hereby reiterate in the most emphatic manner its condemnation of all lotteries as immoral in their nature and ruinous in their effects

upon individual character and public welfare. The members of our Church are exhorted to discountenance all forms of resorting to chance even for professedly praiseworthy objects; inasmuch as it is not allowable to do evil that good may come. The Presbyteries under our care are also recommended, to press upon the consideration of ministers and Sessions the vicious influence of lotteries, and urge them to do what they can to arouse public conscience against this and every other species of gambling.—1890, p. 37.

6. Duelists excluded from church privileges. Ministers should not attend the funeral of a fallen duelist.

The General Assembly having taken into serious consideration the unhappy prevalence of the practice of dueling in the United States, and being anxiously desirous to contribute what may be in their power, consistently with their character and situation, to discountenance and abolish this practice:

Resolved unanimously, That they do, in the most unequivocal manner, declare their utter abhorrence of the practice of dueling and of all measures tending thereto, as originating from the malevolent dispositions of the human heart, and a false sense of honor, as a remnant of Gothic barbarism, as implying a presumptuous and highly criminal appeal to God as the sovereign Judge, as utterly inconsistent with every just principle of moral conduct, as a direct violation of the sixth commandment, and destructive of the peace and happiness of families; and the Assembly do hereby recommend it to the ministers in their connection to discountenance, by all proper means in their power, this scandalous practice.

Resolved also, That it be and it is hereby recommended to all the ministers under the care of the Assembly that they scrupulously refuse to attend the funeral of any person who shall have fallen in a duel, and that they admit no person who shall have fought a duel, given or accepted a challenge, or been accessory thereto, unto the distinguishing privileges of the Church, until he manifest a just sense of his guilt, and give satisfactory evidence of repentance.—1805, p. 339.

7. Slavery and slaveholding.

Overture on selling a slave, a member of the Church.

The following resolution was submitted to the Assembly, viz.:

Resolved, That a person who shall sell as a slave a member of the Church, who shall be at the time of sale in good standing and unwilling to be sold, acts inconsistently with the spirit of Christianity, and ought to be debarred from the communion of the Church.

After considerable discussion, the subject was committed to Dr. Green, Dr. Baxter and Mr. Burgess, to prepare a report to be adopted by the Assembly, embracing the object of the above resolution, and also expressing the opinion of the Assembly in general as to slavery.

The report of the Committee being read, was unanimously adopted and referred to the same Committee for publication.—1818, p. 692.

[Note.—For the report in full, with references to the subsequent action of both Assemblies, see Moore's *Digest*, 1886, pp. 593-595.]

8. On the lynching of Negroes.

The following paper was adopted:

Whereas, The practice of lynching Negroes is a frequent occurrence

in the South, and is a great evil, inasmuch as it deprives the accused of the right of trial, which right should be accorded to the meanest person; and,

Whereas, The aforesaid practice tends to overthrow the civil law and to ignore constitutional authority, and to engender strife between the races; and,

Whereas, The abolition of the aforesaid evil practice will go far to maintain peace, order and harmony between the races, which are so essential to the welfare of both; therefore,

Resolved, That the General Assembly of the Presbyterian Church does hereby express its great sorrow for the existence of this aforesaid evil practice, now disapproves of the same, and calls upon the good people of the nation and upon all lawful authority to suppress it.—1892, p. 217.

9. Intemperance.

[NOTE.—In 1811, Dr. Benjamin Rush presented to the Assembly one thousand copies of a pamphlet, entitled "An Inquiry into the Effects of Ardent Spirits upon the Human Body and Mind." At the same session it was:]

a. *Resolved*, That the Rev. Drs. Miller, Milledoler and Romeyn, Rev. Messrs. James Richards, McNeice, Ezra Styles Ely and Gardiner Spring, Dr. John R. B. Rodgers, Col. Henry Rutgers and Mr. Divie Bethune, be a Committee to endeavor to devise measures which, when sanctioned by the General Assembly, may have an influence in preventing some of the numerous and threatening mischiefs which are experienced throughout our country by the excessive and intemperate use of spirituous liquors, and that this Committee be authorized to correspond and act in concert with any persons who may be appointed or associate for a similar purpose, and that the Committee hereby appointed report to the next General Assembly.—1811, p. 474.

Upon the report of this Committee the next year, it was

b. *Resolved*, 1. That it be recommended to all the ministers of the Presbyterian Church in the United States to deliver public discourses, as often as circumstances may render expedient, on the sin and mischiefs of intemperate drinking, in which as well as on all suitable occasions, both public and private, it will be proper pointedly and solemnly to warn their hearers, and especially members of the Church, not only against actual intemperance, but against all those habits and indulgences which may have a tendency to produce it.

2. That it be enjoined on all church Sessions within the bounds of the General Assembly that they exercise a special vigilance and care over the conduct of all persons in the communion of their respective churches with regard to this sin, and that they sedulously endeavor by private warning and remonstrance, and by such public censures as different cases may require, to purge the Church of a sin so enormous in its mischiefs and so disgraceful to the Christian name.

3. That it be recommended to the ministers and other officers and members of our Church that they exert themselves to diffuse as extensively as possible among their congregations and the community at large such addresses, sermons, tracts or other printed compositions on this subject as may have a tendency to produce a suitable impression against the use of ardent spirits, and to recommend sobriety and temperance.

4. That it be recommended to the officers and members of our Church to take such measures as may be judged proper and effectual for reducing

the number of taverns, and other places of vending liquors by small measure, in all those parts of our country in which either their excessive numbers or the improper character of such places render them a public nuisance.

It is believed that the evils arising from these sources are incalculably great, and that by prudent management they admit, under Providence, of very considerable diminution.—1812, p. 511.

10. Total abstinence from the use of wines, liquors, etc., urged.

a. We earnestly recommend to the officers and members of our Church to abstain even from the common use of ardent spirits. Such a voluntary privation as this, with its motives publicly avowed, will not be without its effect in cautioning our fellow-Christians and fellow-citizens against the encroachment of intoxication; and we have the more confidence in recommending this course as it has already been tried with success in several sections of our Church.—1818, pp. 689, 690 (reprint).

b. The report of the Committee on Temperance was taken up, and after mature consideration was unanimously adopted, and is as follows, viz.:

Resolved, 1. That this Assembly regard with devout gratitude and praise the great success which has attended the efforts of the friends of the cause of temperance during the past year, as evinced in the increase of the number and zeal of temperance societies, in the diminution of the sale of ardent spirits, and in the existence of a strong and increasing public sentiment against the use of it.

2. That they cordially approve and rejoice in the formation of temperance societies on the principle of entire abstinence from the use of ardent spirits, as expressing disapprobation of intemperance in the strongest and most efficient manner, and making the most available resistance to this destructive and widespreading evil.

3. That they deeply deplore the apathy manifested by many professing Christians toward the cause of temperance, while many distinguished persons who make no religious profession are prompt and powerful fellow-laborers with Christians in this worthy and divinely sanctioned cause. And especially do they grieve and wonder that members of our churches, in view of an evil so debasing and so awful in its prospective bearings on all the interests of the country, should not only take no part in the exertions of their brethren and fellow-citizens against intemperance, but by using and trafficking in ardent spirits be actively engaged in promoting it.

4. That they earnestly recommend, as far as practicable, the forming of temperance societies in the congregations under their care, and that all members of the churches adopt the principle of entire abstinence from the use of ardent spirits.

5. That as friends of the cause of temperance this Assembly rejoice to lend the force of their example to that cause as an ecclesiastical body by an entire abstinence themselves from the use of ardent spirits.—1829, p. 262.

c. *Resolved*, 1. That this Assembly considers itself called upon to make a public acknowledgment of the goodness of God for the unparalleled success with which he has crowned the efforts of those who are actively concerned in the promotion of temperance.

2. That the experience of the past year furnishes additional and most

abundant evidence of the wisdom and importance of the plan adopted by the American Temperance Society.

3. That this Assembly feels bound to repeat a former recommendation to the ministers, elders and members of the churches under its care, to discountenance the use of distilled liquors not only by abstaining themselves from the use of such liquors, but by actively promoting every prudent measure devised for the purpose of furthering the cause of temperance.

4. That this Assembly earnestly recommends to all persons for whose spiritual interests it is bound to consult that they favor the formation of temperance societies on the plan of entire abstinence.—1830, p. 298.

d. The Assembly recommend to all the members of the churches under their care to be found the fast, unflinching and active friends of temperance, abstaining from all forms and fashions which would countenance to any extent the sin of intemperance, avoiding even the appearance of evil, disentangling themselves from all implication with the traffic and manufacture, and especially presenting in their whole lives a standing and unvarying exemplification of the only true principle of temperance—total abstinence from everything that will intoxicate.—1840, p. 15, N. S.; 1877, p. 558.

e. The Assembly (N. S.) reiterates the sentiments and recommendations of former Assemblies, and calls upon its ministers and the members of its churches to renew their efforts in this direction, and especially to refrain from the use of cider, beer and ale as a beverage, and also from the manufacture and similar use of domestic wines.—1864, p. 508, N. S.

f. The General Assembly has repeatedly expressed its earnest desire for the universal prevalence of temperance among the people of this land. But as a new exigency has arisen, growing out of the demoralizing tendency of war, this Assembly enjoins upon all their ministers, ruling elders and church members to use their influence upon those around them, particularly on our young men now returning from the army, and on our youth in academies and colleges, to practice entire abstinence from all intoxicating drinks as a beverage, which it is believed is the only sure protection against drunkenness. Intemperance is a great sin against God as well as a bitter curse to man, obstructing the progress of the Gospel of our Lord Jesus Christ in the world, and weakening its power over the hearts of men. Hence it is an imperative duty, required alike by piety and patriotism, to do whatever may be practicable "to stem the torrent that is sweeping myriads into the vortex of irretrievable ruin." Especially should there be the frequent utterance of friendly warning to the young and inconsiderate, "Touch not, taste not, handle not," accompanied by a corresponding example. This simple and effective remedy, carried into all the walks of life, will make our nation as prosperous and happy in peace as it has been heroic and victorious in war.—1865, p. 570, O. S.

g. *Resolved*, That total abstinence from all intoxicating drinks as a beverage is demanded from every Christian by the condition of society, the purity of the Church and the Word of God.—1866, p. 274, N. S.; 1877, p. 558.

[NOTE.—Thenceforth reaffirmed by almost every Assembly. See 1897, p. 127.]

11. Manufacture and traffic in ardent spirits condemned.

a. That while this Assembly would by no means encroach upon the rights of private judgment, it cannot but express its very deep regret that any members of the Church of Christ should at the present day and under existing circumstances feel themselves at liberty to manufacture, vend or use ardent spirits, and thus, as far as their influence extends, counteract the efforts now making for the promotion of temperance.—1830, p. 298.

b. 2. That the practice of sending out ardent spirits to be used as a drink by the unevangelized and partially civilized nations and tribes of men is in our view a violation of the principles and precepts of the Christian religion, and ought to be abandoned throughout the world.

3. That the traffic in ardent spirits, to be used as a drink by any people, is in our judgment morally wrong, and ought to be viewed as such by the Churches of Jesus Christ universally.—1834, p. 445.

In the narrative for 1837 the Assembly say:

c. It is with the utmost surprise and pain that we learn from the reports of two or three Presbyteries that some of their members, and even ruling elders, still manufacture and sell ardent spirits. These things ought not so to be. They are a stumbling-block to many, and have a manifest tendency to bring overwhelming calamities, both temporal and spiritual, on society at large. No Church can shine as a light in the world while she openly sanctions and sustains any practices which are so evidently destructive of the best interests of society.—1837, p. 510.

12. The manufacture and sale of intoxicating drinks an offence.

a. The great increase of intemperance throughout the land, especially in our towns and large cities, renders it imperative on the Church to put forth her influence to arrest it in its destructive progress. But to render her influence effective she must purge herself from all participation in the sin by removing from her pale all who are engaged in the manufacture and sale of intoxicating drinks for use as a common beverage.

When a person has been admitted to sealing ordinances in Christ's house, he ought not to be excluded but upon grounds which are sanctioned by the Word of God and the discipline of the Church; and where such exclusion takes place, it is always founded upon an alleged offence against the authority and laws which Christ has established in his house. Hence, one of the ends of discipline, as laid down in our Standards, is "the removal of offences" from the Church of Christ. In the very outset, then, it becomes necessary to ascertain what is an offence. In our Book of Discipline it is defined to be "anything in the principles or practice of a church member which is contrary to the Word of God, or which, if it be not in its own nature sinful, may tempt others to sin, or mar their spiritual edification" (Chap. i, Sec. iii). That the practice of manufacturing and retailing intoxicating drinks is, in its own nature, sinful, we do not affirm, and need not therefore consider, in this sense, an offence against the laws of Christ's house. But that it tempts others to sin and mars their spiritual edification is too obvious to require proof. The retailer is the proximate agent in tempting many to drink to drunkenness, and in forming in others the appetite for strong drink which leads to brutal intoxication. In doing this he offends against God's children, who are grieved at his conduct, which is productive of such injurious results both to the bodies and souls of men. On these grounds,

therefore, he is guilty of an "offence" against the Word of God, which is very explicit in setting its seal of condemnation on such conduct. In the eighth chapter of his First Epistle to the Corinthians, the apostle has decided this point with great precision. In the church of Corinth some thought it to be right to eat meat which had been offered to idols, others thought it wrong. The matter was submitted to the apostle, who decided that although the act was not in its own nature sinful, yet if it became the occasion of offence or injury to a weak brother it ought not to be done. "But meat commendeth us not to God: for neither, if we eat, are we the better; neither, if we eat not, are we the worse. But take heed lest by any means this liberty of yours become a stumblingblock to them that are weak. For if any man see thee which hast knowledge sit at meat in the idol's temple, shall not the conscience of him that is weak be emboldened to eat those things which are offered to idols; and through thy knowledge shall the weak brother perish, for whom Christ died? But when ye sin so against the brethren, and wound their weak conscience, ye sin against Christ. Wherefore, if meat make my brother to offend, I will eat no flesh while the world standeth, lest I make my brother to offend." According to this decision of the apostle, therefore, men "sin against Christ" when they "sin against the brethren" by doing that which, though not sinful in itself, becomes a stumbling-block to them, and tempts them to the commission of sin. Against such a course the apostle guards professing Christians and declares that he had determined to avoid it.

Now, the apostle's decision in regard to the case at Corinth applies to the use of intoxicating drinks when manufactured and sold for a common beverage. When prepared and sold for this purpose, those who do so "sin against the brethren and wound their weak conscience," and thus "sin against Christ." Hence they are guilty of "an offence," their conduct being "contrary to the Word of God."

Thus far the subject appears very plain. That a manufacturer and retailer of intoxicating drinks for the purpose mentioned is guilty of an offence proved to be such from Scripture, the foregoing remarks clearly demonstrate. But is it such an offence as ought to exclude persons from the full privileges of the Church? In maintaining the affirmative of this question, it is important to remark that whatever would prevent the admission of a person to the sealing ordinances of the Church, on his first application, ought, if found in connection with his character or conduct after his admission, to exclude him from her communion. This is so evident as to require no proof. What, then, would be considered a sufficient bar to the full enjoyment of the privileges of the Church? To this we reply that anything in the principles or practice of the applicant for admission which greatly impaired or destroyed the credibility of his profession of faith in Christ would be a sufficient ground of refusal. For the ground of admission, as presented both in the Word of God and the Standards of the Church, is a credible profession of faith in the Son of God. In the case of the jailer, the Ethiopian eunuch, and even of Simon Magus, who afterward apostatized, a credible profession was required and exhibited before they were admitted to the communion of the society of the faithful. The same principle is recognized in our Standards. "Those who are admitted to sealing ordinances, shall be examined as to their knowledge and piety" (Directory for Worship, Chap. i, Sec. iii; see also Chap. iv, Sec. iv). From these passages it is

manifest that such a profession as involves credible evidence of Christian character, in which knowledge and piety are essential elements, is required by our Book of those who would be admitted to sealing ordinances. Such being the case, whatever essentially impairs or destroys this evidence bars the way to their admission. Accordingly it is provided that "such as are found to be ignorant or scandalous, notwithstanding their profession of the faith and desire to come to the Lord's Supper, ought to be kept from that sacrament, by the power which Christ has left in His Church, until they receive instruction and manifest their reformation" (Larger Catechism, Q. 173). Ignorance and immorality of conduct are here indicated as sufficient grounds on which to refuse an applicant admission to the table of the Lord. The reason is that where either or both exist there is a want of credible evidence of Christian character; and where this is wanting, the person ought not to be admitted. And on the same ground, a person who has been admitted, if he be afterward found to be ignorant or scandalous, and thus destitute of the evidence of Christian character, ought to be excluded.

In the case which we are considering, the person in question does not give credible evidence in favor of his Christian character. He does not give such satisfaction with respect to his "knowledge and piety" as is sufficient to entitle him to continue in the full privileges of the Church as a member in good standing. For the man who, at the present time, is ignorant of the effects of the practice of the manufacture and sale of intoxicating drinks as a common beverage, in tempting others to sin and "marring their spiritual edification," must be criminally regardless of what is going on around him. And he who, knowing this, perseveres in the practice, evinces a state of heart directly the reverse of that which is produced by "the grace of God," that "teaches us that, denying ungodliness and worldly lusts, we should live soberly, righteously and godly in this present world." On the ground, therefore, that his profession of religion is destitute of the attributes which are necessary to render it credible he ought not to be continued in the communion of the Church, nor certified as a member in good standing.

We are aware that it has been objected to this view of the case that it is establishing a new term of communion not before known in the Church. But upon the principles laid down and established, it is not. We have seen that credible evidence of Christian character, involving the exhibition of "knowledge and piety," is the old term of communion laid down in God's Word and the Standards of our Church. It has also been made to appear that the practice of manufacturing and retailing intoxicating drinks as a beverage is a sin against the brethren and against Christ, and while persevered in vitiates this evidence and works a forfeiture of the privileges of Christian communion. If the practice of the Church has been to any extent favorable to the admission or continuance of such persons in her communion, it only proves that the Church, in these cases, has overlooked or neglected to enforce the true principles of her Standards. It cannot be fairly drawn into argument to prove that the principle is not there, or if there, that it ought not to be applied in this, as in other cases, of visible offence against Christ and his Church. We conclude, therefore, that it is not adopting any new term of communion to exclude persons from sealing ordinances on the ground of their manufacturing and vending intoxicating drinks as a beverage. On the contrary, it is only falling back upon the teachings of the Bible and the

Constitution of the Church, which requires visible Christianity, in a credible form, of those who would partake of these ordinances, and refuses the privilege to those who by overt acts of offence fail to present such evidence.—1865, p. 571, O. S.; 1889, p. 103.

b. *Those engaged in the manufacture or traffic in intoxicating liquors should not be received or retained in the church.*

We call upon the Sessions of our churches to guard carefully the purity of the Church by refusing to admit to membership, or to retain those within her pale, who are engaged in the manufacture or sale of intoxicating liquors as a beverage or who derive their livelihood from this sinful traffic.—1877, p. 558.

13. Prohibitory laws.

a. The following resolution upon the subject of temperance was unanimously adopted:

Resolved, That the General Assembly continue to view with deep interest the progress of the temperance reformation, most intimately connected with the vital interests of men for time and eternity, and they do especially hail its new phase through the action of several State Legislatures by which the traffic in intoxicating liquors as a beverage is entirely prohibited. They commend this new system of legislation to the attention and support of all ministers and churches connected with this body for its blessed results already experienced, and as able, if universally adopted, to do much to seal up the great fountains of drunkenness, pauperism and crime, and relieve humanity of one of its most demoralizing and distressing evils.—1854, p. 503, N.S.

b. *Whereas*, Intemperance is the great antagonist of domestic peace and social happiness, of sound morality and pure Christianity, and at war with all the dearest interests of man for this world and the future; and whereas, the experience of two hundred years proves that this evil can never be removed or effectively resisted while the traffic in intoxicating drinks is continued, it being necessary if we would stop the effect to remove the cause; therefore,

Resolved, 1. That this Assembly, as lovers of our holy religion, of our country and our race, and as office-bearers in the Church, can but feel a lively interest in the progress of the temperance reform.

Resolved, 2. That we here record our devout thanksgiving to almighty God for the recent unparalleled progress of this reform, as evinced by the action of the Legislatures of thirteen States and two Territories of our Union, in the passage of laws prohibiting entirely the traffic in all intoxicating beverages.

Resolved, 3. That in the opinion of this body laws prohibiting the sale of intoxicating drinks can interfere with the rights of no man, because no man has a right of any name or nature inconsistent with the public good or at war with the welfare of the community, it being a well-known and universally acknowledged maxim of law that "No man has a right to use his own to the injury of his neighbor."

Resolved, 4. That we earnestly recommend to the ministers and congregations in our connection, and to all others, to persevere in vigorous efforts until laws shall be enacted in every State and Territory of our beloved country prohibiting entirely a traffic which is the principal cause of the drunkenness, and its consequent pauperism, crime, taxa-

tion, lamentation, war and ruin to the bodies and souls of men, with which the country has so long been afflicted.—1855, pp. 30, 31, N. S.; 1883, p. 655; 1889, p. 103; 1892, p. 164; 1895, p. 100.

c. Without attempting, therefore, to indicate any distinct line of policy to be pursued in the effort to repress intemperance, the following resolutions are recommended for adoption:

1. That this Assembly repeats the unvarying testimony of preceding Assemblies against this widespread and destructive vice.

2. That in view of the evils wrought by this scourge of our race, this Assembly would hail, with acclamations of joy and thanksgiving, the utter extermination of the traffic in intoxicating liquors as a beverage, by the power of Christian conscience, public opinion, and the strong arm of the civil law. Adopted.—1883, p. 655; 1884, pp. 73, 74; 1885, pp. 666–668; 1887, p. 127; 1889, p. 103; 1892, p. 164; 1895, p. 100.

14. Against the manufacture and sale of intoxicating liquors and renting property for such uses.

a. Overture, from the Presbyteries of Pittsburgh and of Philadelphia Central, asking the Assembly for further action, clear and unmistakable, in regard to the manufacture, sale, and use as a beverage, of intoxicating liquors. The Committee recommend the following answer:

This General Assembly, believing the manufacture, sale, and use of alcoholic stimulants as a beverage, to be contrary to the spirit of God's Word, and wholly inconsistent with the claims of Christian duty, reiterate the testimonies of former Assemblies on this subject.

The Assembly also affirm their conviction of the reprehensible complicity in the guilt of the aforesaid traffic of those who knowingly rent their premises for such purpose, or indorse licenses that legalize it.

And further to give emphasis to the action now taken and the utterances of former Assemblies above referred to, the Board of Publication are directed to print an abstract of such former testimonies as cover the points referred to in the overtures, and send a copy thereof to every pastor and stated supply within our bounds, with the direction of the Assembly to read the same publicly from their respective pulpits.

Finally, the Assembly recommend the general circulation of a temperance literature as tending to inform and arouse the public conscience with reference to the evils of intemperance. And to aid in this they urge upon the attention of the Board of Publication the publishing, in addition to those now on their catalogue, of such other treatises as shall be adapted to this end.—1871, p. 490; 1875, p. 515; 1876, p. 85; 1890, p. 83.

b. 1. The General Assembly, viewing with grave apprehension the persistence and spread of the use of intoxicating drinks, as among the greatest evils, if not the greatest evil, of our day, as a curse resting upon every nation of Christendom, as multiplying their burdens of taxation, pauperism and crime; as undermining their material prosperity, as a powerful hindrance to the Gospel at home, and as still more deeply degrading the heathen, whom we seek to evangelize abroad, would rejoice at the revival, in recent years, of efforts to stay these great evils, and would renew its testimony, begun as early as 1812 (and continued to the present day), "not only against actual intemperance, but against all those habits and indulgences which may have a tendency to produce it."

2. We reiterate the judgments of former General Assemblies against the manufacture and sale of intoxicating liquors to be used as a beverage, and against the renting of one's property knowingly for such manufacture and sale. We admonish our members to avoid all complicity in the traffic, and to use all their influence for the suppression of the same, in such measures and to such degrees as shall seem to them wise and expedient.

3. The efforts of the women of our own and of other Churches, in the promotion of the cause of temperance, are recognized as a powerful factor in the settlement of this question, and greatly increase our hope of final and complete success.—1880, p. 75.

[NOTE.—See No. 14, p. 625; *Minutes*, 1865, p. 561, O. S.]

15. The "saloon," licensed or unlicensed, a curse to our land.

That this Assembly regards the saloon, licensed or unlicensed, as a curse to the land, inimical to our free institutions and a constant jeopardy to the present and lasting peace and happiness of all members of the home, and, furthermore, loyalty to Christ and His Church should constrain every Christian citizen to be earnestly zealous in securing the removal of the traffic very largely responsible for the mass of crime, pauperism, and the social evil that flood the land with misery, and that we emphasize the great value to the cause of temperance in this country which comes from the Supreme Court of the United States in its recent decisions.

That we urge Congress to pass laws abolishing the sale of all intoxicating liquors for beverage purposes from all the Territories of the United States and the District of Columbia, and from all buildings and institutions under control of the United States Government.—1892, p. 164.

16. The Presbyterian Woman's Temperance Association indorsed.

That we indorse the work of the Presbyterian Woman's Temperance Association and all kindred organizations, and, bidding them Godspeed, that we urge the women of our Presbyterian churches to organize temperance work along the same Church lines as those adopted by the women of the Presbyterian churches of Pennsylvania, and this not in antagonism, but in perfect harmony with, the evangelistic work of other temperance organizations. Also that this work be extended to the children and youth.—1892, p. 165; 1890, p. 93; 1891, p. 150; 1893, p. 174; 1894, p. 154; 1896, p. 137; 1897, p. 124.

17. The deliverances of the past eighty years to be printed.

That from the pulpits of our beloved Church, emphasis should be given to the deliverances of this General Assembly for the past eighty years, and in order that church communicants and others who might be led to be interested in temperance work, may thoroughly understand the position of the Church, now and in years past, the Permanent Committee be requested to have their tract, "A Summary of the Deliverances of the Assembly on Temperance," sent to all pastors throughout the Church, with a request that the tract be distributed among the people.—1892, p. 165; 1895, p. 100.

18. Temperance training and education for the young.

a. *Resolved*, That we deplore the evils of intemperance, and that we see in those evils a great hindrance to that coming of the Lord's kingdom in human hearts for which the Church labors and prays.

We realize that the early education of the young as to the nature and effects of alcoholic drinks and other narcotics is a powerful preventive against intemperance. And we rejoice that laws have been enacted requiring this study in the public schools of thirty-nine States and in all the Territories, in the national military and naval schools, and in all Indian and colored schools under Federal control—embracing fully thirteen million children of school age. We recommend that our churches appoint Special Committees to make efforts for the enforcement of these laws. And, in cases where the law is not sufficiently mandatory, we recommend that our Synods instruct their Temperance Committees to petition for such amendments as the case may demand.

Resolved, That the time has fully come for the introduction of physiological temperance into all day mission schools, home and foreign, that are under the direction of the Presbyterian Church.

We, therefore, urge that the proper school authorities be required to provide for instruction as to the nature of alcoholic drinks and narcotics and their effect upon the human system.

Resolved, That we commend to the Presbyteries and Synods in the five States yet without temperance education laws, viz., Indiana, Tennessee, Arkansas, Georgia and South Carolina, the example of the Synod of New Jersey, which last autumn instructed its Temperance Committee to petition the next Legislature of that State for compulsory temperance education in all public schools, which petition has been granted in the enactment of a very satisfactory statute requiring this study of all pupils in all schools in that State under State control.—1894, p. 154.

b. Believing that in seeking a legislative panacea for present ills, due consideration is not given to preventive measures, it is urged that the children and youth be instructed more diligently on this subject; that the Church give increased attention to it by teaching and preaching, and by effecting temperance organizations within its own congregations, and subject to its own administration; that education be emphasized as, even more than legislation, an immediate need of the temperance cause, remembering always that the Gospel of Jesus Christ is the power of God unto salvation from this as from all other sins. Presbyteries and Synods are urged to renewed and increased activity along the lines of education and organization.—1895, p. 100.

19. Men of intemperate habits and official position.

That while not abating efforts to secure more efficient repressive legislation, there should be increased endeavor to secure by election and appointment to official position men of "clean hands and pure heart, who have not lifted up their soul unto vanity nor sworn deceitfully," and to sustain them in the faithful discharge of their duties. Cordial approval is given to all proper efforts to secure such legislation as will prevent the appointment of any man of known intemperate habits to official position under national, State or municipal authority.—1895, p. 100.

20. Political parties and licenses.

1. Action of the Assembly.

a. It is the sense of this Committee, while it is not the province of the Church to dictate to any man how he shall vote, yet the Committee declares that no political party has the right to expect the support of Christian men so long as that party stands committed to the license policy, or refuses to put itself on record against the saloon.—1892, p. 163.

b. *Resolved*, That we reaffirm the deliverance of the Portland Assembly that "No political party has the right to expect the support of Christian men so long as that party stands committed to the license policy, or refuses to put itself on record against the saloon."—1894, p. 154.

2. Protest against Resolution No. 7.

Against this resolution (No. 7) a protest was presented, signed by forty-six commissioners, which was received and admitted to record, as follows:

The undersigned respectfully protest against so much of the action of the General Assembly on temperance as declares, "That no political party has the right to expect the support of Christian men so long as that party stands committed to the license policy, or refuses to put itself on record against the saloon." We deem this action an unwise interference with a political question, and believe that it cannot fail to be regarded by many of our people as hindering their free and conscientious discharge of their duties as voters.—1894, p. 178.

3. Members urged to vote against licenses.

Resolved, That in the judgment of this Assembly, the time has come when Christian men should make their influence felt directly and with power at the ballot-box; and that all voters connected with our communion are urged to vote against the granting of licenses for the sale of intoxicating liquors.

Resolved, That we earnestly urge upon our people the desirability of demanding the enforcement of the liquor laws throughout the land.—1895, p. 100.

21. Temperance Sabbath.

[NOTE.—See in this *Digest*, p. 402.]

22. Communion wine.

[NOTE.—For deliverances as to the Lord's Supper, see Directory for Worship, Chap. ix.]

23. Permanent Committee on Temperance.

[NOTE.—See in this *Digest*, pp. 401-403.]

24. Relation of temperance and other moral societies to the Church.

a. The Church of Jesus Christ is a spiritual body, to which have been given the ministry, oracles, and ordinances of God for the gathering and perfecting of the saints in this life to the end of the world. It is the great instrumentality of the Saviour, through which, by His eternal Spirit, He dispenses salvation to the objects of His love. Its ends are holiness and life, to the manifestation of the riches and glory of divine grace, and not simply morality, decency and good order, which may to

some extent be secured without faith in the Redeemer and the transforming efficacy of the Holy Spirit. The laws of the Church are the authoritative injunctions of Christ, and not the covenants, however benevolent in their origin and aim, which men have instituted of their own will; and the ground of obligation which the Church, as such, inculcates, is the authority of God speaking in His Word, and not pledges of honor which create, measure and define the peculiar duties of all voluntary associations. In this kingdom of God the Holy Scriptures are the only rule of faith and manners, and no Church judicatory ought to pretend to make laws which shall bind the conscience, or to issue recommendations which shall regulate manners, without the warrant, explicit or implied, of the revealed will of God. It is, hence, beside the province of the Church to render its courts, which God ordained for spiritual purposes, subsidiary to the schemes of any association founded in the human will and liable to all its changes and caprices. No court of Christ can exact of His people to unite with the temperance, moral reform, colonization, or any other society which may seek their aid. Connection with such institutions is a matter of Christian liberty. Their objects may be in every respect worthy of the countenance and support of all good men, but in so far as they are moral and essentially obligatory, the Church promotes them among its own members—and to none others does its jurisdiction extend—by the means which God has ordained for the edification of His children. Still, in the exercise of their Christian liberty as good citizens, as patriotic subjects of the State, from motives of philanthropy and from love to God, Christian people may choose to adopt this particular mode of attempting to achieve the good at which all moral societies profess to aim; they have a right to do so, and the Church, as long as they indorse no false principles and countenance no wrong practices, cannot interfere with them. Recognizing these propositions as the truths of the Word of God, this General Assembly, as a court of Jesus Christ, cannot league itself with any voluntary society, cannot exact of those who are subject to its discipline to do so, but must leave the whole matter where the Scriptures leave it—to the prudence, philanthropy and good sense of God's children, each man having a right to do as to him shall seem good.

These societies must appeal not to Church courts, but to Church members. When they proclaim principles that are Scriptural and sound, it is not denied that the Church has a right, and under certain circumstances may be bound, to bear testimony in their favor; and when, on the other hand, they inculcate doctrines which are infidel, heretical, and dangerous, the Church has a right to condemn them. In conformity with these statements, the General Assembly has no hesitation in cordially approving of abstinence from intoxicating drinks as a matter of Christian expediency, according to the words of the apostle in Romans xiv. 21, "It is good neither to eat flesh, nor to drink wine, nor anything whereby thy brother stumbleth, or is offended, or is made weak," and in expressing its affectionate interest in the cause of temperance; and would recommend to its ministers and elders who have become connected with temperance societies to use every effort to prevent the introduction of any other principle as the ground of their pledge, and to throw around these institutions those safeguards which shall be the means of rescuing them from the excesses to which they are liable from influences opposed to or aside from the Gospel of Christ.—1848, p. 58, O. S.

No. 3. A memorial from the National Temperance Society, asking the Assembly to send delegates to a national temperance convention. The Committee recommend as an answer, that while this Assembly approves all proper efforts made to suppress intemperance, it declines to send delegates, in its name, to the proposed convention. Adopted.—1873, p. 504.

b. In answer to an overture praying the Assembly to give the temperance cause a proper prominence among the means of reform sustained by the Church, and especially suggesting that if it would arrange or recommend that some proper temperance movement should sustain the same relation to the churches as the tract, the Bible, and the missionary causes do, both morally and financially, it would be of immense advantage to the cause, replied as follows:

In compliance with the request of the petitioners, the Assembly are willing to assign to the cause of temperance a relation to our Church not dissimilar to that which has been given to the benevolent objects with which it is compared. But with none of these do we maintain any other connection than that which their own moral power secures upon the free affection and esteem of our members. Very cheerfully and earnestly would this Assembly commend the cause of temperance to all the ministers and members of our Church, and urge them heartily to coöperate with every judicious effort in a Christian spirit to promote it; that pastors frequently preach upon the subject, and especially that no countenance be given to those social usages by which great temptations to intemperance are thrown before their fellow-men.—1860, p. 262, N. S.

25. The Assembly receives and appoints delegates only in the case of ecclesiastical bodies.

[Note.—See answer to request for the appointment of delegates to National Temperance Convention, Form of Government, Chap. xii, this *Digest*, p. 325.]

26. Purity in literature and art.

Papers Nos. 69 and 70, both being from certain friends of purity in literature and art. The following declaration is recommended: That the General Assembly has learned with profound satisfaction that the National Editorial Association and the National Republican Association, as well as other State Press Associations, have expressed their sympathy with the women's movement for the promotion of purity in literature and art, as tending to maintain a Christian standard of morality in society; and that they have pledged their Associations to make the press one of the best friends of humanity, by refusing space to all impure advertisements, and by excluding from their publications all that alloys the truth and hardens the conscience.

The General Assembly desires the religious papers enjoying Presbyterian patronage to give wide circulation to this pledge of the secular press, and advises all Christian families and readers to give the favor of their patronage to those papers and periodicals which honor this pledge by excluding all questionable advertisements and immodest serials, and which refrain from Sabbath editions. Adopted.—1897, p. 84.

27. Cruelty to animals.

The consideration of the paper on cruelty to animals presented on the second day of the sessions, was resumed, and the paper adopted, as follows:

Whereas, It has pleased God, in His holy providence, to raise up

helpers, in these latter years, to protect the inferior creation, the companions and helpers of man, from that formerly unrestricted tyranny and cruelty to which they were exposed, so that now, in a majority of the States and Territories of this country, laws in their behalf have been passed, and societies authorized, to prevent all acts of barbarism and cruelty against the poor dumb creatures whom God has committed to our charge; and

Whereas, The courts of our country have for the most part sustained these laws, by fines and imprisonments, whenever and wherever offences have been committed and the facts proved, so that now great reforms are manifest where these societies have existed for any length of time; and

Whereas, The apostle Paul, in urging the proper support of the ministry upon the Church, and "That they which preach the Gospel should live of the Gospel," quotes the ancient command to the Hebrews, "Thou shalt not muzzle the mouth of the ox that treadeth out the corn;" and

Whereas, All acts of cruelty to the inferior creation tend to produce cruelty in families, and a return to barbarism in society, and are utterly abhorrent to the spirit of the Gospel;—this General Assembly do earnestly recommend their ministers and members every where to aid in this good work, to sustain and defend these societies engaged in this noble reform, and that they offer constant prayers to the Holy Dove, the Spirit of God, for His tender influence, to inspire the hearts of men with mercy, and to the Lamb of God, the Head of the Church, to hasten the day when His own gentle and loving nature shall be given to all men, and "The wolf also shall dwell with the lamb," "and a little child shall lead them."—1875, p. 510.

IV. Nothing shall, therefore, be the object of judicial process, which cannot be proved to be contrary to the Holy Scriptures, or to the regulations and practice of the Church founded thereon; nor anything which does not involve those evils which discipline is intended to prevent.

1. New terms of communion cannot be sanctioned.

On the question whether the manufacturer, vender or retailer of intoxicating drinks should be continued in the full communion of the Church, the Committee recommend the following resolution, viz.: "That whilst the Assembly rejoice in the success of the temperance reformation, and will use all lawful means to promote it, they cannot sanction the adoption of any new terms of communion." Adopted.—1842, p. 16, O. S.

2. Each case must be judged of by its own circumstances.

Resolved, That the records of the Synod of Pittsburgh be approved except so far as they seem to establish a general rule in regard to the use and sale of ardent spirits as a beverage, which use and sale are generally to be decidedly disapproved; but each case must be decided in view of all the attendant circumstances that go to modify and give character to the same.—1843, p. 189, O. S.

[NOTE.—See Chap. i, Sec. iii, p. 608, under "Promiscuous Dancing" (*Minutes*, 1895, p. 106), as to creating new and unscriptural conditions of church membership.]

3. Sins forbidden in the Ten Commandments. Larger Catechism.

[NOTE.—The answers to the questions from the Larger Catechism hereinafter given are inserted because they are a part of the constitutional enumeration of offences. See p. 606.]

Q. 105. *What are the sins forbidden in the first commandment?*

A. The sins forbidden in the first commandment are atheism, in denying, or not having a God; idolatry, in having or worshiping more gods than one, or any with, or instead of the true God; the not having and vouching him for God, and our God; the omission or neglect of anything due to him, required in this commandment; ignorance, forgetfulness, misapprehensions, false opinions, unworthy and wicked thoughts of him; bold and curious searchings into his secrets; all profaneness, hatred of God, self-love, self-seeking, and all other inordinate and immoderate setting of our mind, will or affections upon other things, and taking them off from him in whole or in part; vain credulity; unbelief; heresy; misbelief; distrust; despair; incorrigibleness, and insensibleness under judgments; hardness of heart; pride; presumption; carnal security; tempting of God; using unlawful means, and trusting in lawful means; carnal delights and joys; corrupt, blind, and indiscreet zeal; lukewarmness, and deadness in the things of God; estranging ourselves, and apostatizing from God; praying, or giving any religious worship, to saints, angels, or any other creatures; all compacts and consulting with the devil, and hearkening to his suggestions; making men the lords of our faith and conscience; slighting and despising God and his commands, resisting and grieving of his Spirit, discontent and impatience at his dispensations, charging him foolishly for the evils he inflicts on us; and ascribing the praise of any good we either are, have, or can do, to fortune, idols, ourselves, or any other creature.

Q. 109. *What are the sins forbidden in the second commandment?*

A. The sins forbidden in the second commandment are, all devising, counseling, commanding, using, and any wise approving any religious worship not instituted by God himself; the making any representation of God, of all, or of any of the three Persons, either inwardly in our mind, or outwardly in any kind of image or likeness of any creature whatsoever: all worshiping of it, or God in it or by it; the making of any representation of feigned deities, and all worship of them, or service belonging to them; all superstitious devices, corrupting the worship of God, adding to it, or taking from it, whether invented and taken up of ourselves, or received by tradition from others, though under the title of antiquity, custom, devotion, good intent, or any other pretence whatsoever; simony; sacrilege; all neglect, contempt, hindering, and opposing the worship and ordinances which God hath appointed.

Q. 113. *What are the sins forbidden in the third commandment?*

A. The sins forbidden in the third commandment are, the not using of God's name as is required; and the abuse of it in an ignorant, vain, irreverent, profane, superstitious, or wicked, mentioning or otherwise using his titles, attributes, ordinances, or works, by blasphemy, perjury; all sinful cursing, oaths, vows, and lots; violating of our oaths and vows, if lawful; and fulfilling them, if of things unlawful; murmuring and quarreling at, curious prying into, and misapplying of God's decrees and providences; misinterpreting, misapplying, or any way perverting the Word, or any part of it, to profane jests, curious and unprofitable questions, vain janglings, or the maintaining of false doctrines; abusing

it, the creatures, or any thing contained under the name of God, to charms, or sinful lust and practices; the maligning, scorning, reviling, or any wise opposing of God's truth, grace and ways; making profession of religion in hypocrisy, or for sinister ends; being ashamed of it, or a shame to it, by uncomfortable, unwise, unfruitful and offensive walking, or backsliding from it.

Q. 119. *What are the sins forbidden in the fourth commandment?*

A. The sins forbidden in the fourth commandment are, all omissions of the duties required, all careless, negligent, and unprofitable performing of them, and being weary of them; all profaning the day by idleness, and doing that which is in itself sinful; and by all needless works, words, and thoughts, about our worldly employments and recreations.

Q. 128. *What are the sins of inferiors against their superiors?*

A. The sins of inferiors against their superiors are, all neglect of the duties required toward them; envying at, contempt of, and rebellion against their persons and places, in their lawful counsels, commands and corrections; cursing, mocking, and all such refractory and scandalous carriage, as proves a shame and dishonor to them and their government.

Q. 130. *What are the sins of superiors?*

A. The sins of superiors are, besides the neglect of the duties required of them, an inordinate seeking of themselves, their own glory, ease, profit, or pleasure; commanding things unlawful, or not in the power of inferiors to perform; counseling, encouraging, or favoring them in that which is evil; dissuading, discouraging, or discountenancing them in that which is good; correcting them unduly; careless exposing, or leaving them to wrong, temptation, and danger; provoking them to wrath; or any way dishonoring themselves, or lessening their authority, by an unjust, indiscreet, rigorous, or remiss behavior.

Q. 132. *What are the sins of equals?*

A. The sins of equals are, besides the neglect of the duties required, the undervaluing of the worth, envying the gifts, grieving at the advancement or prosperity one of another; and usurping preëminence one over another.

Q. 136. *What are the sins forbidden in the sixth commandment?*

A. The sins forbidden in the sixth commandment are, all taking away the life of ourselves, or of others, except in case of public justice, lawful war, or necessary defence; the neglecting or withdrawing the lawful or necessary means of preservation of life; sinful anger, hatred, envy, desire of revenge; all excessive passions, distracting cares; immoderate use of meat, drink, labor, and recreations; provoking words; oppression, quarreling, striking, wounding, and whatsoever else tends to the destruction of the life of any.

Q. 139. *What are the sins forbidden in the seventh commandment?*

A. The sins forbidden in the seventh commandment, besides the neglect of the duties required, are adultery, fornication, rape, incest, sodomy, and all unnatural lusts; all unclean imaginations, thoughts, purposes, and affections; all corrupt or filthy communications, or listening thereunto; wanton looks; impudent or light behavior; immodest apparel; prohibiting of lawful, and dispensing with unlawful marriages; allowing, tolerating, keeping of stews, and resorting to them; entangling vows of single life; undue delay of marriage; having more wives or husbands than one at the same time; unjust divorce or desertion; idle-

ness; gluttony; drunkenness; unchaste company; lascivious songs, books, pictures, dancings, stage-plays; and all other provocations to, or acts of uncleanness either in ourselves or others.

Q. 142. *What are the sins forbidden in the eighth commandment?*

A. The sins forbidden in the eighth commandment, beside the neglect of the duties required, are, theft, robbery, man-stealing, and receiving any thing that is stolen; fraudulent dealing; false weights and measures; removing landmarks; injustice and unfaithfulness in contracts between man and man, or in matters of trust; oppression; extortion; usury; bribery; vexatious law-suits; unjust enclosures and depredation; engrossing commodities to enhance the price, unlawful callings, and all other unjust or sinful ways of taking or withholding from our neighbor what belongs to him, or of enriching ourselves; covetousness; inordinate prizing and affecting worldly goods; distrustful and distracting cares and studies in getting, keeping, and using them; envying at the prosperity of others: as likewise idleness, prodigality, wasteful gaming, and all other ways whereby we do unduly prejudice our own outward estate: and defrauding ourselves of the due use and comfort of that estate which God hath given us.

Q. 145. *What are the sins forbidden in the ninth commandment?*

A. The sins forbidden in the ninth commandment are, all prejudicing of the truth, and the good name of our neighbors as well as our own, especially in public judicature; giving false evidence; suborning false witnesses; wittingly appearing and pleading for an evil cause; outfacing and overbearing the truth; passing unjust sentence; calling evil good, and good evil; rewarding the wicked according to the work of the righteous, and the righteous according to the work of the wicked; forgery; concealing the truth; undue silence in a just cause, and holding our peace when iniquity calleth for either a reproof from ourselves, or complaint to others; speaking the truth unseasonably, or maliciously to a wrong end, or perverting it to a wrong meaning, or in doubtful and equivocal expression, to the prejudice of truth or justice; speaking untruth; lying; slandering; backbiting; detracting; tale-bearing; whispering; scoffing; reviling; rash, harsh, and partial censuring; misconstructing intentions, words, and actions; flattering; vain-glorious boasting; thinking or speaking too highly or too meanly of ourselves or others; denying the gifts and graces of God; aggravating smaller faults; hiding, excusing, or extenuating of sins, when called to a free confession; unnecessarily discovering of infirmities; raising false rumors; receiving and countenancing evil reports, and stopping our ears against just defence; evil suspicion; envying or grieving at the deserved credit of any, endeavoring or desiring to impair it, rejoicing in their disgrace and infamy; scornful contempt; fond admiration; breach of lawful promises; neglecting such things as are of good report; and practicing or not avoiding ourselves, or not hindering what we can in others, such things as procure an ill name.

Q. 148. *What are the sins forbidden in the tenth commandment?*

A. The sins forbidden in the tenth commandment are, discontentment with our own estate; envying, and grieving at the good of our neighbor, together with all inordinate motions and affections to any thing that is his.

V. All children born within the pale of the visible Church are members of the Church, are to be baptized, are under the care of the Church,

and subject to its government and discipline; and when they have arrived at years of discretion, they are bound to perform all the duties of church members.

[NOTE.—See in full under Directory for Worship, Chap. viii, Sec. i–iii, and Chap. x, Sec. i, p. 845. In 1884, Sec. 5 was adopted as follows:
5. All baptized persons are members of the Church, are under its care, and subject to its government and discipline. When baptized children arrive at the years of discretion, they are bound to perform all the duties of church members.—1884, p. 27. In 1885, Sec. v was adopted as above.—1885, p. 601.]

CHAPTER II.

OF THE PARTIES IN CASES OF PROCESS.

VI. Process against an alleged offender shall not be commenced unless some person undertakes to sustain the charge; or unless a judicatory finds it necessary for the ends of discipline to investigate the alleged offence.

VII. An offence, gross in itself, may have been committed in such circumstances, that plainly the offender cannot be prosecuted to conviction. In all such cases, it is better to wait until God, in his righteous providence, shall give further light, than, by unavailing prosecution, to weaken the force of discipline.

VIII. No prosecution shall be allowed in a case of alleged personal injury, where the injured party is the prosecutor, unless those means of reconciliation have been tried, which are required by our Lord, Matthew xviii, 15–17: "If thy brother shall trespass against thee, go and tell him his fault between thee and him alone: if he shall hear thee, thou hast gained thy brother. But if he will not hear thee, then take with thee one or two more, that in the mouth of two or three witnesses every word may be established. And if he shall neglect to hear them, tell it unto the Church."

1. No testimony may be introduced injurious to parties not on trial.

a. An overture on a case of discipline was taken up, and is as follows: Suppose a member of the Church is on trial, and his accuser is "Common Fame."* One specification against him is, "Speaking evil of his brethren A and B, while he neglects to take any Gospel steps to bring them to repentance or to trial."

The specification is abundantly sustained by testimony, but the person on trial proposes to introduce testimony to prove that the reports which he circulated, and the opinions which he pronounced derogatory to the brethren named, were true. Has the accused a right to introduce such testimony tending to injure the character of parties not on trial, nor connected at all with the prosecution, and having no opportunity for defence?

*Common Fame, since the adoption of the Revised Book of Discipline, is no longer a ground of process. The principle, however, set forth in the above deliverance holds in all cases of prosecution. See Book of Discipline, Chap. ii, Sec. vi, Clause 2, p. 635.]

Would the Session be authorized to reject such testimony, on the ground that if introduced it would not exculpate the accused, inasmuch as he had no right to circulate evil reports against his brethren, whether true or false, while neglecting to bring them to trial?

To this the following answer was given:

The person on trial under charges tabled on the ground of "Common Fame" has no right to introduce testimony which inculpates his brethren who are not on trial, and who have no opportunity to defend themselves, because it was his previous duty to take proper steps, if the persons are guilty of the evils which he had alleged against them, to bring them to repentance or free the church from the scandal.—1852, p. 177, N. S.

b. The Committee to which was referred the petition of certain individuals, members of the congregation in Tammany street, Baltimore, reported, and their report, being read and amended, was adopted, and is as follows, viz.:

That while it is unquestionably the privilege of individuals and members of the Presbyterian Church, when they think they see the peace, purity or prosperity of the Church in danger, either from an individual or from an inferior court, to apply to the General Assembly in an orderly manner for redress or direction, yet, in such cases, unless they mean to come forward as prosecutors with the necessary testimony, they should most carefully avoid mentioning names connected with charges of the most serious kind, in support of which no evidence has been orderly adduced; nor have the individuals thus accused had an opportunity of replying to those charges, or of making any defence of themselves. The Assembly, therefore, cannot witness a procedure of this kind without expressing their disapprobation of it.—1824, p. 113.

c. *Resolved*, That the Assembly sustain the appeals of the Session of the Church of Bloomington, and of Dr. Wylie, against a decision of the Synod of Indiana, and the judgment of the Presbytery and Session is hereby confirmed, on the ground that Mr. Harney circulated evil reports against Dr. Wylie, without showing that he did it in the due performance of some indispensable duty; but it is the judgment of this Assembly that Mr. Harney shall still have the privilege, if he desire it, of commencing a prosecution against Dr. Wylie before the Presbytery of Vincennes, and in such case, said Presbytery are hereby authorized and directed to hear the whole case and issue the same in a constitutional way."—1834, p. 443.

IX. The course prescribed by the preceding section shall not be required when the prosecution is initiated by a judicatory; but in all such cases, and in every case of prosecution by a private person other than the injured party, effort should be made, by private conference with the accused, to avoid, if possible, the necessity of actual process.

X. When the prosecution is initiated by a judicatory, THE PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA shall be the prosecutor, and an original party; in all other cases, the individual prosecutor shall be an original party.

[NOTE:—See under next Section.]

XI. When the prosecution is initiated by a judicatory, it shall appoint

one or more of its own members a committee to conduct the prosecution in all its stages in whatever judicatory, until the final issue be reached: *provided*, that any appellate judicatory before which the case is pending shall, if desired by the prosecuting committee, appoint one or more of its own members to assist in the prosecution, upon the nomination of the prosecuting committee.

1. The right of the Prosecuting Committee to appeal and to conduct the prosecution as representing an original party maintained.

a. The Judicial Committee presented its report in the case of the Presbyterian Church in the U. S. A. *vs.* Rev. Charles A. Briggs, D.D., which was accepted, as follows:

The Judicial Committee respectfully reports that it has carefully considered the documents submitted to it in this case, and adopted the following resolutions:

1. That, in the opinion of this Committee, the appeal taken by the Presbyterian Church in the United States of America, an original party represented by the "Committee of Prosecution," appointed under Section xi of the Book of Discipline, has been taken from the final judgment of the Presbytery in dismissing the case; and that the said Committee had the right to take this appeal representing the said original party.—1892, p. 90.

[NOTE.—For protest against this action of the Assembly, see *Minutes*, 1892, p. 205.]

b. In the case of the Presbyterian Church in the United States of America against the Rev. Charles A. Briggs, D.D., being an appeal to the General Assembly from a decision and final judgment of the Presbytery of New York, rendered January 9, 1893, the Judicial Committee beg leave respectfully to report that they have examined the papers pertaining to this case, and find:

1. That the appellant in this case is the Presbyterian Church in the United States of America, represented by its Prosecuting Committee, appointed by the Presbytery of New York, and, as such appellant, has a right of appeal to this Assembly as an original party, and said Prosecuting Committee is entitled to conduct the prosecution, in all its stages, in whatever judicatory, until the final issue be reached.—1893, p. 104.

c. In the case of the Presbyterian Church in the United States of America against Rev. Henry Preserved Smith, D.D., being the appeal to the General Assembly from the decision, action and judgment of the Synod of Ohio, rendered October 13, 1893, we have examined the papers and conferred with the parties.

We find that the appellant is Rev. Henry Preserved Smith, D.D., and as such appellant he has the right to appeal to the General Assembly, the case being one of that nature in which the appeal may be taken to the highest court of the Church, and we find that the Committee to conduct the prosecution appointed by the Presbytery of Cincinnati, in which Presbytery the case arose, has the right to conduct the prosecution, and hence to appear for the Presbyterian Church, the appellee in this court.—1894, p. 90.

XII. If one, who considers himself slandered, requests an investigation which a judicatory finds it proper to institute, one or more of its

members shall be appointed to investigate the alleged slander, and make report in writing: and a record thereafter made may conclude the matter.

1. Such investigation is at the discretion of the Presbytery, subject to review as to misuse or abuse.

A complaint of Rev. Arthur Crosby *vs.* the Synod of Long Island. Mr. Crosby complains against the action of the Synod of Long Island, October 19, 1880, in adopting the following resolution, viz.:

Whereas, The decision of the Presbytery of Brooklyn, referred to in the complaint of Rev. Arthur Crosby and others, relates to a matter which it belonged to the Presbytery to determine; and,

Whereas, This decision is not for this reason a legitimate ground of complaint, or a proper subject of review by the Synod on complaint; therefore,

Resolved, That the complaint be dismissed.

Your Committee find the papers in order. But recommend that the complaint be dismissed, for the following reasons, viz.:

1. That, upon the facts stated by the Presbytery as the basis of its action, the question, whether the investigation asked for should be entered upon or not, was one to be determined in the exercise of a sound discretion on the part of the Presbytery (Book of Discipline, Old, Chap. iii, Sec. vi).

2. That while the misuse or abuse of discretionary power is reviewable, its use, in this instance, seems to have been in regard to a subject fairly within its range, and unobjectionable in its manner. Adopted.—1881, p. 586.

XIII. Great caution ought to be exercised in receiving accusations from any person who is known to indulge a malignant spirit toward the accused, or who is not of good character, or who is himself under censure or process, or who is personally interested in any respect in the conviction of the accused, or who is known to be litigious, rash, or highly imprudent.

1. Admonition to prosecutors.

And the Assembly judge it more necessary to admonish Mr. Galbraith, and all those who have been and now are connected with him in any controversy with Mr. Balch, not to cherish a spirit of litigation, malevolence and discord equally contrary to the general tenor of the Gospel and to the peace and harmony of that branch of the Church with which they are connected; in particular that they withdraw, agreeably to their engagements to the Synod of the Carolinas, the civil suits which they have commenced, and comply with the whole recommendation of the Synod on that subject. On the whole, the Assembly hope and trust that all the parties in this concern will feel the solemn obligations which lie upon them as professed disciples of the meek and lowly Jesus not to indulge a rancorous spirit, nor to rend and divide His Church by the indulgence of a haughty, uncomplying and unforgiving temper, but to unite mutually and cordially in endeavoring to close the wounds which they have [illegible]ppily opened, over which they have so much reason to mourn, and which we exhort and conjure them not to aggravate, but by every gentle and tender application to endeavor to heal.—1798, p. 159.

XIV. Any person who appears as a prosecutor, without appointment by the judicatory, shall be warned before the charges are presented, that, if he fail to show probable cause for the charges, he must himself be censured, as a slanderer of the brethren, in proportion to the malignancy or rashness which may appear in the prosecution.

1. Failure to show probable cause for charges involves censure for slander.

a. An appeal by Mr. William L. McCalla from a decision of the Synod of Kentucky, in which decision the Synod declared, that Mr. McCalla had failed to prove certain charges which he had brought against the Rev. James Blythe, was resumed.

Resolved, That the judgment of the Synod of Kentucky, with respect to the charges brought by Mr. William L. McCalla against the Rev. James Blythe, be and it hereby is affirmed.—1815, p. 596.

b. The complaint of J. W. Davidson, W. C. Koons and J. McElhinny, against the Synod of Baltimore.

This case originated in the Presbytery of Carlisle, as the result of the trial of a minister, by which the complainants were severely censured for presenting a certain paper containing allegations against the character of the said minister, which allegations, though not tabled as charges, were adjudged to be slanderous.

The parties censured complained to the Synod of Baltimore, and the complaint was "sustained in part," by a vote of 17 to 12.

The Synod, in its final minute, still inflict a modified censure, of which the said Davidson, Koons and McElhinny complained to the last General Assembly. This last complaint was laid over to this Assembly, to enable the complainants to correct an informality; which they have since done.

The Committee report the case in order, and recommend that it be taken up according to the directions of the Book of Discipline.

The Committee recommend, that the only part of the record to be read in evidence be the paper originally read to the Presbytery of Carlisle, at Newville; and this may be waived by the parties agreeing; that the paper contains charges, which, if true, would be scandalous. This recommendation is based on the following reasons:

I. That it is found by the Synod, in their judgment, that the paper presented by complainants was so presented by them without their being prepared to table charges, or to appear as prosecutors, and that they refused to appear as accusers after having presented such a paper.

II. In the complaint presented to us, these findings of the Synod are admitted, in that the complainants allege (as the ground of their complaint in this regard) that the Synod decided that the paper presented at Newville by the complainants, was of such a character that it should not have been presented, unless the parties presenting it were prepared to table charges upon it; when, in fact, as they allege, it was but an offer to aid Presbytery in investigating the difficulty in the congregation of Big Spring, to which complainants belonged, and not as the ground of charges. Thus it will be seen that they not only admit such findings of the Synod, but distinctly allege another and different reason in justification of such presentation, viz., that it was but an offer to aid Presbytery, etc.

III. If it be claimed, on the second ground of appeal, that the testi-

mony adduced on the original trial be read before the Assembly, then we say that it should not be read, for the following reasons:

1. The accused minister, after a trial (declared by the Synod to be fair and impartial) was acquitted by the Presbytery, and no appeal was taken from such judgment of acquittal; so that the same thereby long since became final and absolute, and this Assembly has no power to reverse this judgment of the Presbytery, for the purpose of relieving these complainants from the censure of the Synod; to do so would be to pronounce two conflicting and contrary judgments upon the same evidence.

2. Because it has been already adjudicated, in the case of William S. McDowell (Assembly's *Digest*, Baird, rev. ed., p. 159), that "no discussion ought to be allowed (involving the character of an absent person) in his absence," much more should this rule be applied to the exclusion of the remaining record, in this case, from its peculiar character, and all the circumstances attending it.

Resolved, That the judgment of the Synod of Baltimore be sustained *pro forma*, and the paper of E. Thompson Baird be admitted to record. —1860, pp. 31, 35, O. S.

2. The character of one absent and not on trial—not to be impeached.

Resolved, That no discussion ought to be allowed which may involve the character of Mr. McDowell in his absence.—1823, p. 74.

3. Censure for slander may not be inflicted upon a private prosecutor unless the case be fully issued.

In the complaint of John Mack *et al.* against a decision of the Synod of Illinois, the Assembly, *inter alia*, declare: The action of the Presbytery upon a certain resolution was extra-judicial.

Our Book of Discipline (Old), Chap. v, Sec. vii, pronounces a man a slanderer who, on trial, fails to make good his charges.

S. L. Hobson was censured as a slanderer without the court reaching by trial the point contemplated by our Book.—1867, p. 355, O. S.

[NOTE.—The revised Book of Discipline directs censure for slander only when the prosecutor fails to show probable cause, as in Sec. xiv, above, p. 639.]

CHAPTER III.

OF CHARGES AND SPECIFICATIONS.

XV. The charge shall set forth the alleged offence; and the specifications shall set forth the facts relied upon to sustain the charge. Each specification shall declare, as far as possible, the time, place, and circumstances, and shall be accompanied with the names of the witnesses to be cited for its support.

1. The charge must be specific.

Mr. Ewing complains against the Commission that they received charges against him which were vague and indeterminate. The Synod

agrees that these charges were rather deficient in point of specialty, but are of opinion that the Commission acted with prudence and integrity in receiving said charges, inasmuch as they endeavored to reduce them to a specialty, and as Mr. Ewing submitted so far as to plead to them, and as the particular circumstances of the First and Third Presbyterian congregations in Philadelphia were viewed by them as so critical as in their judgment required an immediate discussion of the affair.

Yet the Synod orders that all their judicatures shall for the future be particularly careful not to receive or judge of any charges but such as shall be seasonably reduced to a specialty in the complaint laid before them.—1770, p. 406.

2. All charges in cases of heresy, should be as definite as possible.

a. There was a great deficiency in the charges preferred against Mr. Craighead as it relates to precision. All charges for heresy should be as definite as possible. The article or articles of faith impugned should be specified, and the words supposed to be heretical shown to be in repugnance to these articles, whether the reference is made directly to the Scripture as a standard of orthodoxy, or to the Confession of Faith, which our Church holds to be a summary of the doctrines of Scripture. But in none of the charges against Mr. Craighead is this done, and in two of them (third and fourth) it would be very difficult to say what articles of faith are supposed to be contravened in the errors charged on Mr. Craighead. And the last two charges appear to be so vague and indefinite as to be incapable of proof. In the fifth Mr. Craighead is charged with perverting, etc., the sentiments of the preachers and writers in our connection. Now, in our connection there are a multitude of preachers and writers differing by many shades of opinion from each other. How, then, can this be a just ground of accusation? In the sixth he is charged with the false coloring of facts, etc. But no facts are established by evidence, none are specified in the charge; and to make it a just ground of accusation, it ought to have been a designed and malicious discoloring of the facts, etc.—1824, p. 121.

b. The Assembly would further advise that all the charges against Mr. Spillman which may be wanting in definiteness be made, if practicable, more specific, so that they may be conformable to the directions of the Book of Discipline.—1860, p. 46, O. S.

[Note.—See for formal charges, in this *Digest*, p. 47, and p. 58.]

XVI. A charge shall not allege more than one offence; several charges against the same person, however, with the specifications under each of them, may be presented to the judicatory at one and the same time, and may, in the discretion of the judicatory, be tried together. But, when several charges are tried at the same time, a vote on each charge must be separately taken.

[Note.—See Book of Discipline, Chap. iv, Sec. xxiii, p. 651.]

XVII. In all cases of alleged personal injury, where the prosecution is by the injured person or persons, the charge must be accompanied by an averment, that the course prescribed by our Lord, Matt. xviii. 15–17, has been faithfully tried.

CHAPTER IV.

OF PROCESS: GENERAL RULES PERTAINING TO ALL CASES.

XVIII. Original jurisdiction, in relation to Ministers, pertains to the Presbytery; in relation to others, to the Session. But the higher judicatories may institute process in cases in which the lower have been directed so to do, and have refused or neglected to obey.

[NOTE.—As adopted in 1884, after the word "ministers" were the words "and acting ruling elders," which were stricken out.—1885, p. 601.]

XIX. When a judicatory enters on the consideration of an alleged offence, the charge and specifications, which shall be in writing, shall be read; and nothing more shall be done at that meeting, unless by consent of parties, than to furnish the accused with a copy of the charge and specifications, together with the names of all the witnesses then known to support each specification; and to cite all concerned to appear at a subsequent meeting of the judicatory, to be held not less than ten days after the service of the citations. The citations shall be signed, in the name of the judicatory, by the moderator, or clerk; who shall, also, furnish citations for such witnesses as either party shall name. The accused shall not be required to disclose the names of his witnesses.

1. Censure without trial is unconstitutional.

a. *Resolved*, As the sense of this house, that no man or body of men, agreeably to the Constitution of this Church, ought to be condemned or censured without having notice of the accusation against him or them and notice given for trial; and therefore, that if the General Assembly of last year meant by the minute in question to pass a censure on the Presbytery of Lewes, it was informal.—1793, p. 71.

b. There was an error in the Synod of North Carolina in expressing a judicial opinion in relation to charges against Mr. Davies which did not come before them.—1849, p. 264, O. S.

2. A judicatory may not suspend without trial.

The Committee appointed to examine the records of the Synod of the Carolinas reported, and the book was approved, with the exception of the resolution to make a minister liable to suspension without trial for three years' absence from Synod, without sending forward his reasons for absence.—1811, p. 468.

3. Censure upon an absent person without citation disapproved of.

The Assembly, moreover, cannot forbear expressing their regret that the Presbytery of Washington should have passed a vote of censure upon Mr. McCalla without citing him to appear before them or giving him any opportunity of making a defence, since this mode of proceeding seems to have occasioned a portion of the irregularity in the Presbytery of West Lexington, of which the Presbytery of Washington have complained.—1821, p. 21.

4. Exclusion from the pulpit or from communion may not be without trial and conviction.

Whereas, It appears from memorials sent up to this Assembly, that several of our Presbyteries have adopted resolutions excluding slaveholders from their pulpits and from their communion: *And whereas*, Our Constitution requires that no member of the Presbyterian Church shall be thus disfranchised without a regular trial and conviction, ... therefore,

Resolved, That the said Presbyteries be requested to rescind such resolutions.—1840, p. 24, N. S.

5. The accused may not be required to declare what he expects to prove by his witnesses.

The Judicial Committee, in reference to the case of J. H. Spillman against the Synod of Kentucky, recommend to the General Assembly the adoption of the following minute disposing of the same:

While this General Assembly do not undertake to reverse the decision of the Synod of Kentucky against Mr. J. H. Spillman, it cannot be doubted—for it is admitted by the Synod's and the Presbytery's representatives here—that there were some informalities in the proceedings of the lower courts against Mr. Spillman, which this General Assembly is bound to disapprove; in particular, that the Session had no right to insist upon Mr. Spillman's making known beforehand what he expected to prove by his witnesses as the condition upon which he should be allowed to proceed in the examination.—1860, p. 45, O. S.

XX. Citations shall be served personally, unless the person to be cited cannot be found, in which case the citation shall be sent to his last known place of residence; and, before proceeding to trial, it must appear that the citations have been served.

XXI. If an accused person refuses to obey a citation, a second citation shall issue, accompanied by a notice that, if he do not appear at the time appointed, unless providentially hindered, he will be censured for his contumacy, according to the subsequent provisions of the Book of Discipline. (See secs. xxxiii, xxxviii and xlvi.) If he does not then appear, the judicatory may proceed to trial and judgment in his absence; in which case it shall appoint some person to represent him as counsel. The time allowed for his appearance, on any citation subsequent to the first, shall be determined by the judicatory, with proper regard for all the circumstances. The same rule, as to the time allowed for appearance, shall apply to all witnesses cited at the request of either party.

1. Contumacy not to be hastily inferred. One may excuse himself by letter.

In the progress of this case, the Presbytery proceeded regularly to cite the accused, once and again; and upon his not appearing, they proceeded to the trial, and having gone through the evidence they referred the whole to the Synod to adjudicate upon it, with the expression of their own opinion that Mr. Craighead ought to be suspended. The Synod met immediately after Presbytery, and took up the case, and, in concur-

rence with the opinion of the Presbytery, suspended Mr. Craighead from the Gospel ministry.

In this proceeding the General Assembly are of opinion that there was too much haste. Mr. Craighead was not guilty of contumacy, for he wrote two letters to the Presbytery excusing himself for non-attendance: and if he had been guilty of contumacy, he ought to have been suspended on that ground.—1824, p. 121.

2. Contumacy not to be charged on first citation.

The Assembly sustained the appeal of Mr. Arthur from the sentence of the Presbytery, by which he was suspended from the Gospel ministry on the ground of contumacy, because the Presbytery appear to have been precipitate, and not to have observed the constitutional rules. They deem, too, the request of Mr. Arthur for a copy of the first sentence to have been reasonable, and that it ought to have been complied with.—1822, p. 53.

[NOTE.—See Book of Discipline iv, Secs. xxxiii and xxxviii.]

3. Contumacious person may be restored on submission.

The Committee to whom was referred the appeal of Mrs. Maria Hill from the decision of the Synod of Albany, at their stated meeting at Catskill, in her case respectfully report:

That after examining the documents presented, and hearing the statements of the parties, by themselves or counsel, your Committee are satisfied that substantial justice has been done in their case.

The alleged irregularities in the lower judicatories, which are complained of, are of a technical character, or caused by the course pursued by the appellant or her agents. She could, at any time, have arrested the proceedings, and prevented a conviction of contumacy, by submitting to the authority of her Session, and answering their citations; and can now, at any moment, reverse the sentence and be restored, in the manner provided by the tenth article of the fourth chapter of our Book of Discipline (Old).

Your Committee, therefore, recommend that the appeal of Mrs. Maria Hill be not sustained. Adopted as the decision of this Assembly.—1864, p. 504, N. S.

4. To proceed in the absence of the accused, without a second citation, irregular; but the right to complain waived by appearing afterward and pleading.

An appeal of Mr. William McElwee from the action of the Synod of Toledo, for sustaining the Presbytery of Maumee in refusing to furnish him with the usual letter of good standing and transfer to the Presbytery of Philadelphia. The Committee report that it appears from the papers put in their hands that Mr. McElwee was charged with a heinous crime, of which he made a written confession; that the Presbytery took action upon this charge, and issued a citation for Mr. McElwee to answer to it, the same being sent to him through the post-office. When the Presbytery met, the accused did not appear, but this written confession was presented, together with testimony that it was signed by him in the presence of witnesses, and with the understanding that it was to be made use of in the Presbytery. Under the circumstances the Presbytery judged that it was not necessary to cite him a second time, but thought them-

selves authorized to proceed as though he had been present. They therefore proceeded, deposed Mr. McElwee from the ministry, and suspended him from the Church. Some time after this Mr. McElwee asked the Presbytery to remove his deposition, restore him to his former good standing and dismiss him to another Presbytery. He asked this on the ground that he was deeply penitent for the sin of which he had been guilty; and the request was concurred in by several other persons.

The Presbytery refused to restore him, and this action the Synod sustained. Mr. McElwee complains that the Presbytery adjudicated the case in his absence and without a second citation. The Committee are of the opinion that the Presbytery acted irregularly in disposing of this case in the absence of the complainant and without a second citation. But they are of the further opinion that the complainant waived his further right to complain by afterward appearing before Presbytery, confessing his guilt, and asking to be restored. And while a sentence of deposition from the Gospel ministry and suspension from the communion of the Church may be removed upon evidence of repentance, of the genuineness of such repentance the Presbytery alone are to judge. Nor is there any evidence that the Presbytery misjudged. The Committee recommend that the case be dismissed. Adopted.—1875, pp. 511, 512.

5. In the absence of the accused, counsel must be assigned.

But the appeal from the first sentence, by which the charge of slander preferred against him by the Rev. Joshua L. Wilson was declared to be substantiated and Mr. Arthur required to submit to a rebuke, the Assembly could not sustain. For, although the Assembly noticed the omission of Presbytery to assign Mr. Arthur counsel to manage his defence (see Discipline (Old), Chap. iv, Sec. xiii), yet they did judge the pamphlet, of which Mr. Arthur admitted himself to be the author, to contain slander against Mr. Wilson, and could not but disapprove of the spirit under the influence of which it appeared to have been written.—1822, p. 53.

[Note.—See Book of Discipline, Sec. xxvi, p. 654.]

6. When the judicatory has taken the testimony as above, it may proceed to trial and final judgment as if the accused were present.

[Note.—The Assembly of 1865 (N. S.) appointed a Special Committee—Rev. Samuel W. Fisher, D.D., Rev. Thomas Brainerd, D.D., Rev. Ezra E. Adams, D.D., Hon. William Strong, LL.D., and Hon. Joseph Allison, LL.D.—to report to the next Assembly. See *Minutes*, 1865, p. 49. Their report was presented the next year and was adopted. The principles of this deliverance are affirmed in the last clause of Sec. xxi, p. 643.]

The undersigned, a Special Committee, to whom was referred Overture No. 14 by the General Assembly of 1865, together with the report of a former Committee thereon, and who were instructed to report to the present Assembly, respectfully submit the following:

The overture is in these words: "When the judicatory have proceeded, in accordance with Chap. iv, Sec. xiii, of the Book of Discipline (Old), to take the testimony in the case of an accused person, may they proceed to pass judgment thereon as if he were present, or shall he be left simply under censure for contumacy?"

The question thus presented is exclusively one of power. It is not whether, in all cases, it is advisable that a Church judicatory should proceed to a final determination of the case; nor is it what has been the usage in some of the tribunals of the Church; but it is strictly, What

does the Book of Discipline authorize? It is freely admitted that a long course of usage under a statute is no inconsiderable evidence of the meaning of that statute; but it must be a usage growing out of the enactment itself, and claimed to have been authorized by it. Mere neglect to exercise powers conferred is no proof that they were not granted. Had the fathers of the Church generally decided that, by the fourth chapter of the Book of Discipline (Old), no power is recognized in a judicatory to proceed to the trial of an accused person when he has refused to obey its citations, that his contumacious refusal must arrest all steps to purify the Church of the offence charged, beyond taking evidence to prove that offence, and had such a construction of the Book been generally accepted, it ought to have weight in answer to this overture. But there is no evidence that any such judicial construction has been generally given to the language of the Book. Undoubtedly there have been differences of opinion, and, possibly, it may have been decided in some judicatory, that jurisdiction over an offence charged is necessarily suspended, whenever an accused person disobeys the citations; but this is of little value in determining what the framers of the Book of Discipline meant by its directions respecting process, trial and judgment. It is much more important that, in certain cases, where the proof is clear, as where the accused has confessed his guilt, or where he has been convicted of violating the civil law and has absconded, church Sessions have been accustomed to proceed to trial and judgment, notwithstanding a refusal of the accused to appear in answer to citations. Such cases are judicial assertions of power, never denied, so far as we are informed.

But there is not enough in judicial decision nor in authoritative usage to settle the question. After all, it must be answered from the Book; and the true inquiry is, What is the fair interpretation of the rules laid down in the fourth chapter? A universally recognized rule of construction is that, when the purpose of a statute is clear, the means given for effectuating it are to be interpreted with reference to the purpose, and, if possible, so as to secure its accomplishment. Now the ends of discipline are clearly defined. They are declared, by the second section of the first chapter, to be "the removal of offences, the vindication of the honor of Christ, the promotion of the purity and general edification of the Church, and also the benefit of the offender himself." The fourth chapter contains the directions given to Church judicatories, by which these ends are to be secured. Manifestly, they were intended to be a complete and efficient system adequate to the purposes in view. If they fail of that, the avowed object of their framers is defeated. Then there is no power to remove an offence in any case where the alleged offender refuses to submit himself to trial. Plainly, it is the offence charged which is sought to be removed, either by bringing the offender to repentance, or by the judgment of the Church upon it, and ultimately, if necessary, removing the offender. It is from that offence the Church is to be purified, and the honor of Christ vindicated, for by that offence the evil has been done. Anything that comes short of discipline for that, fails of accomplishing the avowed purposes for which the directions of the fourth chapter were prescribed. Contumacious disobedience of citations is another distinct offence, punishment for which is entirely collateral to discipline for the cause that induced the commencement of the process. It is contempt of the lawful authority of the Church, and suspension for it is summary punishment for the collateral offence alone. Neither directly

nor indirectly is it an expression of opinion respecting the delinquent's guilt or innocence of the charge preferred originally against him. Suspension for contumacy would be proper, without regard to anything beyond it. It is quite conceivable that an accused person may willfully disobey citations and yet be innocent of the charges made against him. It certainly would be an anomaly in any judicial proceeding to hold that a penalty inflicted for a collateral offence vindicates the law against another and possibly much greater crime.

If, therefore, the defined ends of discipline are to be secured, a church Session must have power to proceed to trial and judgment, though the accused person refuse to obey the citations duly served upon him; and it is not to be concluded, without clear evidence, that means given to secure those ends are inadequate. When the meaning of the language used in the fourth chapter is sought, the best guide to it will be found in the paramount intention the language was designed to subserve. The directions given must be construed consistently with that intention; to further rather than to defeat it. Looking then to the sections of the fourth chapter, and regarding them as part of a system designed for the purposes above mentioned, to be interpreted so as to harmonize with those purposes as well as with each other, the conclusion seems inevitable that whenever an accusation has been made against a church member, and a church judicatory has entered judicially upon its consideration and obtained jurisdiction by serving of citations upon him, it may go on to final judgment, though he refuses to obey the citations. It is observable that the entire fourth chapter is but an outline of process. It does not undertake to prescribe minutely each step that may be taken. It does not even expressly authorize a judicatory to proceed to trial in any case. It rather assumes that, having taken judicial cognizance of the proceeding, the tribunal will go to trial and judgment. Like a writ of summons in a civil court, the citation is notice that the judicatory has assumed jurisdiction of the case, and that it will proceed to its final determination. When that notice has been given as prescribed, it is contemplated rather than expressly required that witnesses will be examined; that a trial will be proceeded with, and that a judgment will be given. All these things are implied from what is directed respecting them. They are not affirmatively enjoined or even permitted. Thus it is said, "witnesses shall be examined in the presence of the accused, or at least after he shall have received a citation to attend," and that he shall be permitted to ask any questions tending to his exculpation. This is a regulation of the mode of examination, not a direct gift of power to take testimony, yet the implication of power is irresistible. The fourteenth (20) section prescribes certain things before proceeding to trial; and the fifteenth (23) declares that the trial shall be fair and impartial; but nowhere is it said there shall be a trial. The sixteenth (24) section requires the judgment to be regularly entered on the record; but no section in words authorizes a judgment. Everywhere it is assumed that these successive steps in a judicial proceeding may be taken. It would be a rash conclusion from the absence of a specific grant of these powers to deny any right to take testimony, to try and to give judgment. The powers are not only to be implied, but they are comprehensively given by the general provision of the first section, that "the judicatory shall judicially take the offence into consideration when all other means of removing it have failed;" and they are included also in the directions to issue citations.

Nor is there any substantial distinction made between cases in which the accused yields obedience to the citations and those in which he is contumaciously disobedient. The thirteenth (21) section is the only one that is supposed to make a difference. By that a second citation is required, to be accompanied with a notice, that if the person cited do not appear at the time appointed, the judicatory, "besides censuring him for his contumacy, will, after assigning some person to manage his defence, proceed to take the testimony in his case, as if he were present." It has sometimes been asked, if it was intended that the judicatory might proceed in such a case to final judgment, why was not notice required that they would thus proceed? Why limit the notice to taking testimony? These questions are easily answered. A notice that the judicatory will proceed to trial and decision would be unnecessary and superfluous. It has already been given in the assumption of jurisdiction over the case and in the citations; but notice of taking testimony is a different matter. Separate notice of that is generally given in all judicial proceedings. Its design is to give a party an opportunity to cross-examine the witnesses produced against him. And, as the judgment in all ecclesiastical courts must be founded upon evidence, as a judgment for default of appearance is not authorized, it is proper that the accused should have special notice of taking the testimony, though he may refuse to appear in answer to the citation. In fact, however, notice that the testimony will be taken is notice that the judicatory will go on with the trial; for taking testimony is a part of trial, its first stage. Undue inferences are therefore drawn from the form of the notice, if it is supposed to indicate that the proceedings are to stay, when the testimony shall have been taken. At most, it raises but a very feeble implication that, because notice of one thing is required (a thing very peculiar in itself, and always demanding a special notice), therefore nothing else can be done. A similar mode of reasoning would render a trial in any case impossible.

Moreover, the thirteenth (21) section affords strong affirmative evidence that a trial and judgment were contemplated by its framers, notwithstanding the refusal of the accused to obey the citations. The evidence is found in the notice that the judicatory will assign some person, not to appear for the accused at the examination of witnesses, but to "manage his defence." The idea of defence in a judicial proceeding is inseparable from answer or trial. If, therefore, the non-appearing accused has a defence to be managed, he has an answer to be put in, a trial to undergo. Taking testimony in support of the accusation is no part of the defence. Cross-examination of the witnesses may be a part, but the appointee of the judicatory is to manage the whole.

It may also be argued that the provision for taking testimony at all, when an accused person fails to respond to the citation, implies that the case may proceed to a final determination. For what purpose take testimony if no action is to be based upon it? If it be said to preserve it for use when the accused, repenting of his contumacy, may choose to appear for trial, it may be answered that no such purpose appears in the book. None of the provisions usual, when the object sought to be accomplished is the perpetuation of testimony, are even hinted at. By the sixteenth section (24) the judgment is required to be entered upon the records of the judicatory, but nothing is said of the preservation of unused evidence. It is not even required to be reduced to writing, unless demanded by one of the parties.

It may also be argued from the language of the fourteenth (20) section that a trial for the offence charged is intended, though the citations have been disobeyed. In that section it is said that judicatories, "before proceeding to trial," "ought to ascertain that their citations have been duly served on the persons for whom they were intended." If a person cited is in attendance, nothing is to be ascertained respecting the service of the citation. It is plain, therefore, that this injunction refers mainly at least to proceeding to trial of an absent accused, and it assumes that the judicatory will, after having assured itself of the service of the citations, go on to adjudicate the case. This section is susceptible of no other meaning.

A similar implication is found in the next section, the fifteenth (23), which declares that "the trial shall be fair and impartial," and that "the witnesses shall be examined in the presence of the accused, or, at least, after he shall have received due citation to attend." This is a regulation of the mode of trial, and it is expressly made applicable both to cases where the accused yields obedience to the citation and to cases where he does not. With these harmonize the sixteenth (24) section, which assumes that there will be a judgment, and the seventeenth (34), nineteenth (30) and twentieth (34) sections, prescribing the discipline to be administered in the event of conviction. The last of these directs excommunication in certain cases. Its fair interpretation evidently is that the ground of such extreme action is not contumacy in disobeying process, but the gross offence charged, to answer for which the accused had been cited.

Taking all these sections into consideration, and regarding them as parts of one system, as having reference to the same subject-matter and designed to secure the ends avowed, the Committee are constrained to regard them as applicable to the course of proceeding through all the stages of trial alike in cases where the accused does not appear in obedience to the citations as when he does. In both the judicatory is empowered to proceed to trial and to final judgment.

To this conclusion an objection has sometimes been urged that at first mention seems to have some plausibility. It is that trial of a person in his absence and the rendition of judgment against him are in conflict with common right and justice; that even criminal courts in State governments do not try offenders in their absence, and that ecclesiastical courts ought to avoid *ex parte* proceedings. The objection aims less at the power of a judicatory, as recognized by the Book of Discipline, than it does at the policy of exercising it. But it misapprehends what are acknowledged common right and justice, what are the proceedings of courts of law and equity in analogous cases, and what are *ex parte* proceedings. Nowhere is it held that a man may not deny himself his plainest rights. While he may not be tried for an alleged offence without having an opportunity to be heard, he has no just cause to complain of a trial to which he has been summoned by a tribunal having jurisdiction, and which he has persistently refused to attend. In such a case it is he who throws away his own rights. They are not taken from him. This is a principle universally recognized in courts of civil law and of equity, and such courts go farther. They construe a refusal to obey process requiring an appearance as a substantial confession of the complaint, and they render judgment accordingly. It is true, State courts having criminal jurisdiction do not try persons for crimes and misde-

meanors in their absence. This is for two reasons: They have power to compel attendance, which ecclesiastical courts have not; and the punishments they inflict affect the life, the liberty or the property of the convicted criminal. In fact, they concern the life or the liberty of the accused; for even if the penalty be only a fine, its payment is usually enforced by detention in custody until satisfaction be made. But ecclesiastical tribunals can pronounce no judgment that touches either the life, the liberty or the property of the accused. Their sentences are peculiar. Indeed, it is asserting a false analogy to assimilate a trial before a church Session to an indictment and trial in a criminal court. It bears a much stronger resemblance to proceedings very common in courts of law, in which members of associations or corporations are called upon to respond for some alleged breach of corporate duty, for which they are liable to be punished by the imposition of penalties, or by amotion from membership. In such cases, when the person summoned refuses to obey the mandate of the writ, courts proceed at once to dispose of his case and render final judgment. No one ever supposed that by so doing injustice was done or that any right of the accused was invaded. Much less can he complain who has been cited to answer an accusation taken into judicial cognizance by a Church judicatory and who has contumaciously refused to obey the citation, if the tribunal proceed to try the case, presuming nothing against him but contumacy from his refusal, but founding its judgment solely upon the testimony of witnesses. This objection, therefore, when examined, appears to be without substance.

In conclusion, it remains only to recommend, as the opinion of the Committee, that the overture be answered by a declaration of the Assembly that in the case proposed the judicatory may proceed to trial and final judgment as if the accused were present.—1866, pp. 283–288, N. S.

XXII. At the meeting at which the citations are returnable, the accused shall appear, or, if unable to be present, may appear by counsel. He may file objections to the regularity of the organization, or to the jurisdiction of the judicatory, or to the sufficiency of the charges and specifications in form or in legal effect, or any other substantial objection affecting the order or regularity of the proceeding, on which objections the parties shall be heard. The judicatory upon the filing such objections shall, or on its own motion may, determine all such preliminary objections, and may dismiss the case, or permit, in the furtherance of justice, amendments to the specifications or charges not changing the general nature of the same. If the proceedings be found in order, and the charges and specifications be considered sufficient to put the accused on his defence, he shall plead "guilty," or "not guilty," to the same, which shall be entered on the record. If the plea be "guilty," the judicatory shall proceed to judgment; but if the plea be "not guilty," or if the accused decline to answer, a plea of "not guilty" shall be entered of record and the trial proceed.

1. Judicial cases should be continued without interruption.

The Judicial Committee recommend this Assembly to adopt the rule of the last General Assembly (*Minutes* of 1864, p. 321), as follows:

Whereas, In the experience of this General Assembly and others the confusion arising from the frequent interruption of important business by other items of business wholly disconnected has greatly hindered the satisfactory interest and understanding of the members, as well as protracted our proceedings; therefore,

Resolved, That it be made a standing rule of the Assembly that all judicial cases be continued without interruption during the sessions of the day, after the Assembly shall have entered upon them, according to appointment, for the order of the day.—1865, p. 535, O. S.

[NOTE.—This is the usage of the Assembly.—1892, p. 118; 1893, p. 70.]

XXIII. The witnesses shall be examined, and, if desired, cross-examined, and any other competent evidence introduced, at a meeting of which the accused shall be properly notified; after which new witnesses and other evidence, in rebuttal only, may be introduced by either party. But evidence discovered during the progress of the trial, may be admitted, in behalf of either party, under such regulations, as to notice of the names of witnesses and the nature of the proof, as the judicatory shall deem reasonable and proper; and then the parties themselves shall be heard. The judicatory shall then go into private session—the parties, their counsel, and all other persons not members of the body, being excluded; when, after careful deliberation, the judicatory shall proceed to vote on each specification and on each charge separately, and judgment shall be entered accordingly.

1. **The withdrawal of parties, counsel, etc., construed literally.**

a. The appeal of Mr. Joseph E. Bell, from a decision of the Presbytery of Concord, suspending him from the office of the Gospel ministry, was taken up.

The appellant having requested that some person may be appointed to manage his appeal, the Rev. N. S. S. Beman was accordingly appointed.

The decision of the Presbytery appealed from, the reasons assigned by the appellant for his appeal, which were on record, and the whole record of the proceedings of the inferior judicatory in the case were read.

After which, Mr. Beman, on behalf of Mr. Bell, was heard. The Presbytery of Concord was then heard by its delegate, in explanation of the grounds of its decision.

Mr. Beman and the delegate from Concord then withdrew. The roll was then called, to give each member an opportunity to express his opinion; after which the final vote was taken, and the appeal of Mr. Bell was sustained.—1828, p. 238; see also 1836, p. 265.

b. The Moderator having decided that the rule requiring the parties to withdraw should be understood in the obvious and literal sense, an appeal was taken from his decision, and the decision was sustained by a large majority.—1848, p. 40, O. S.

c. Judicial Case No. 2 was resumed, and the roll was called for an expression of opinions, the parties, with the appellant's counsel, having withdrawn from the house.—1849, p. 262, O. S.

d. The records of the Synod of Georgia were approved, with the exception that on p. 337 we have the following minute: "That the rule in the book requiring the members of the inferior judicatory to withdraw

from the house be understood metaphorically, and that the rule be understood as fully complied with, by excluding the Flint Presbytery from any further participation in the discussion, and from voting in the case." —1858, p. 289, O.S.; see also 1858, p. 296, O. S.; 1859, p. 546, O. S.

2. Exclusion of stenographer of the accused questionable.

That the act of the Session excluding the stenographer, even if it were within the ultimate prerogatives of the court, was of very questionable wisdom, as well as of dangerous precedent, in reference to the rights of respondents at their bar.—1839, N. S.; reprint, p. 64.

3. Testimony not on record admitted by consent.

a. The following papers were offered and ordered to be entered on the minutes, viz.:

I offer to the Assembly the paper called "An Appendix," as the records furnished by the Presbytery in my case, and request that it may be read as containing evidence which was before the Presbytery, and which was not before the Synod.

ALBERT BARNES.

The prosecutor in the case of Mr. Barnes, and the Committee appointed by the Synod of Philadelphia, to defend their decision in the same case, hereby agree to the introduction of a document entitled "An Appendix," etc. Not, however, as a part of the records of the inferior judicatory, but as testimony adduced by the appellant to substantiate any statement which he has made, or may yet make.

GEORGE JUNKIN, S. G. WINCHESTER,
G. W. MUSGRAVE, DAVID MCKINNEY,
Committee of Synod of Philadelphia.

The document called the Appendix, numbered from pp. 1 to 58 inclusive, containing the trial, testimony of the parties, Junkin and Barnes, and final decision of the Second Presbytery of Philadelphia, in the said case of Junkin and Barnes, was read.—1836, p. 256.

b. The decision of the Synod of New Jersey, of which J. Kirkpatrick and others complain, was read, together with the complainants' reasons of complaint. The records of the Synod in the case were read, and it was moved to read a paper which was not before the Synod, but was admitted by the parties to be an original paper. After debate it was agreed by the court that the paper offered this morning be read, which was done.—1841, p. 428, O. S.

XXIV. The charge and specifications, the plea, and the judgment, shall be entered on the minutes of the judicatory. The minutes shall also exhibit all the acts and orders of the judicatory relating to the case, with the reasons therefor, together with the notice of appeal, and the reasons therefor, if any shall have been filed; all which, together with the evidence in the case duly filed and authenticated by the Clerk of the judicatory, shall constitute the record of the case; and, in case of a removal thereof by appeal, the lower judicatory shall transmit the record to the higher. Nothing which is not contained in the record shall be taken into consideration in the higher judicatory.

1. Everything influencing the judgment of the judicatory must be spread upon the records.

The Synod of Illinois have not discharged their duty. They ought to have spread upon their record everything which influenced their judgment in the case, and also to have sent to this Assembly authentic copies of the whole proceedings, with all the documents which had been regularly before them.—1840, p. 302, O. S.

2. Minutes of interlocutory meetings in judicial cases should be recorded; also report of Judicial Committee in the case.

The Presbytery of Louisiana should have recorded the results of the interlocutory meeting referred to in the complaint. The Synod acted unconstitutionally in permitting the Presbytery of Louisiana to vote on the adoption of the report of the Judicial Committee on the complaint of Rev. Mr. Smylie.

The Synod should have placed on its records the above-mentioned report.—1850, p. 481, O. S.

3. Reasons not recorded and records deficient. Case remanded.

a. A complaint of Rev. Edward Graham and others against the Synod of the Pacific.

It appears that, at its meeting, June 12, 1880, the Presbytery of San Francisco received from the Rev. John D. Strong, one of its members, a letter dated January 7, 1880, saying: "I have determined to terminate my connection with your body. After more than fifty years of thought and study, and earnest desire to find the way of truth and duty, I have ceased to believe the doctrines of the Presbyterian Church, or to feel respect for its practical religion. For this reason I hereby withdraw from the Presbytery of San Francisco, and ask that my name be stricken from its list of members."

A Committee was appointed to confer with Mr. Strong, and, at an adjourned meeting of the Presbytery, no report of the Committee appearing on the records, a motion was adopted to drop the name of John D. Strong from the roll. For this action no reason is assigned by the Presbytery, as required (Book of Discipline [Old], Chap. iv, Sec. xxiii), nor was any minute or judgment entered on the records (Book of Discipline [Old], Chap. iv, Sec. xvi). Complaint against this action was made to the Synod of the Pacific. At its meeting, beginning October 7, 1880, the Synod proceeded to issue the complaint. The Synod did not sustain the complaint, but it put on record no reasons for its decision (Book of Discipline [Old], Chap. iv, Sec. xxiii), nor was any minute or judgment entered (Book of Discipline [Old], Chap. iv, Sec. xvi).

Your Committee find the irregularities and deficiencies in the records, both of the Presbytery and of the Synod, so great, and the information furnished by the records of both bodies so meagre, that, inasmuch as the appellate judicatories are confined to the records, in their opinion it is impossible for the Assembly to come to any intelligent decision. They, therefore, recommend that the complaint be referred to the Synod of the Pacific, with instructions to take such action in the premises as the interests of religion and the good order of the Church may seem to them to demand. Adopted.—1881, pp. 586, 587.

b. Case ordered to a new trial because the reasons for the decision of Synod were not recorded according to the requisition in Chap. iv. Sec. xxiii, Book of Discipline (Old).—1861, p. 344, O. S.; 1874, p. 74.

[NOTE.—See also 1881, pp. 587, 588. Appeal of Rev. Harlan Peck against the Synod of the Columbia: sustained and the action of the Synod set aside, because "No formal action of the Synod was entered upon its records, and no reason given." See also this *Digest*, p. 246. 1878, p. 60, the records of Illinois Central censured, because, in issuing a complaint, they failed to record the subject-matter of the complaint.]

XXV. Exceptions may be taken by either of the original parties in a trial, to any part of the proceedings, except in the judicatory of last resort, and shall be entered on the record.

XXVI. No professional counsel shall be permitted to appear and plead in cases of process in any of our ecclesiastical judicatories. But if any accused person feel unable to represent and plead his own cause to advantage, he may request any minister or elder, belonging to the judicatory before which he appears, to prepare and exhibit his cause as he may judge proper. But the minister or elder so engaged shall not be allowed, after pleading the cause of the accused, to sit in judgment as a member of the judicatory.

[NOTE.—In 1884, Sec. xxvi was adopted, as follows:

26. In cases of process in any judicatory, either party may be assisted by counsel, but such counsel shall be in full communion with the Presbyterian Church. Neither the counsel nor either of the parties shall be allowed to sit in judgment, or vote, in the trial of the case.

In 1885, Sec. xxvi of the new Book of Discipline was amended by substituting in its place Chap. iv, Sec. xxi, of the old book, the word "judicatory" being substituted for "court," as above.—1885, p. 601.]

1. Counsel assigned by request of the parties.

a. The appeal and complaint of Robert Finley and Smith Bloomfield against the Synod of New Jersey.

R. J. Breckinridge was allowed at the request of the former appellant to aid him in conducting his cause; and James Hoge and Nathaniel Hewitt were allowed at the request of Myron Barrett to aid him, in the absence of two other members of a Committee appointed by the Synod of New Jersey, to defend the Synod in this case.—1858, p. 286, O. S.

b. Rev. Dr. Humphrey, chairman of the Judicial Committee, reported Case No. 5, being a complaint of William B. Guild against the Synod of New Jersey, and stated that the complainant requested the appointment of a member to take charge of his interests in the case. The Committee recommended the appointment of Rev. S. S. Sheddan, and he was appointed.—1863, p. 19, O. S.

c. In the absence of the appellant, counsel was appointed by the court.—1823, p. 72.

d. Elder J. R. Hogg, a member of the Assembly, was appointed counsel for A. G. McAuley, D.D., at the request of the appellant, in the matter of his appeal from a decision of the Synod of Pennsylvania. —1896, p. 54.

2. No one not a member of the judicatory may act as counsel.

The Committee on Bills and Overtures reported Overture No. 5, as follows: "May the Session of a church, at the request of an accused brother, assign as his counsel a minister of the Gospel belonging to the same Presbytery to which the Session belongs?"

The Committee answered: There is no provision for such a case in our Constitution; and, though it does not appear to contravene its spirit and design, and might in special cases be allowable with advantage; yet, a strict interpretation of Chap. iv, Sec. xxi, of the Book of Discipline (Old) seems to preclude the employment of any one as counsel who is not a member of the judicatory. The report was adopted.—1851, p. 29, N. S.

3. Professional counsel under all circumstances excluded.

The Committee on Bills and Overtures reported No. 1 from the Presbytery of Tuscaloosa, requesting the Assembly to answer the following question: "Is it a violation of our Book of Discipline for professional counsel, under all circumstances, to aid in the examination of witnesses?"

The Committee recommended that the question be answered in the affirmative. The report was adopted.—1852, p. 205, O. S.

[NOTE.—The term "professional counsel" has no reference to the *profession* of the counsel employed. It is taken as meaning any one, "minister or elder," who is not a member of the judicatory which is engaged in issuing the case.]

XXVII. Questions as to order or evidence, arising in the course of a trial, shall, after the parties have had an opportunity to be heard, be decided by the Moderator, subject to appeal; and the question on the appeal shall be determined without debate. All such decisions, if desired by either party, shall be entered upon the record of the case.

XXVIII. No member of a judicatory who has not been present during the whole of the trial, shall be allowed to vote on any question arising therein, except by unanimous consent of the judicatory and of the parties; and, when a trial is in progress, except in an appellate judicatory, the roll shall be called after each recess and adjournment, and the names of the absentees shall be noted.

1. By consent, members who had been absent for brief periods allowed to vote.

The parties to the case consenting, the Assembly ordered that all members of the court who had been absent during the hearing for brief periods of time, and for sufficient reasons, should be permitted to vote.

The Rev. M. Henry Calkins, D.D., who had been necessarily absent during the greater part of the sessions of the court, was, at his own request, excused from voting.—1894, p. 96.

[NOTE.—Case of Henry P. Smith, D.D.]

XXIX. The parties shall be allowed copies of the record at their own expense; and, on the final disposition of a case in a higher judicatory, the record of the case, with the judgment, shall be transmitted to the judicatory in which the case originated.

1. Appellant entitled to a copy of the sentence.

They deem, too, the request of Mr. Arthur for a copy of the first sentence to have been reasonable, and that it ought to have been complied with.—1822, p. 53.

2. The records of Church judicatories are public documents.

Overture from the Presbytery of Council Bluffs, asking whether a minister of the Gospel, once suspended, but afterward restored, may

demand that the records in his case be closed to inspection or transcript, when required by subsequent judicial proceedings by his own Presbytery.

The Committee recommended the following answer:

The records of our Church courts are public and not private documents, and therefore no one who has been under discipline can "demand" that anything pertaining to his case shall be "closed to inspection or transcript." Yet a wise Christian charity would suggest that, when the end of discipline in the restoration of an offender has been reached, no further publicity, if possible, should be given to the matter.—1879, p. 586.

XXX. In the infliction and removal of church censures, judicatories shall observe the modes prescribed in chap. xi of the Directory for Worship.

XXXI. In all cases of judicial process, the judicatory may, at any stage of the case, determine, by a vote of two-thirds, to sit with closed doors.

XXXII. A judicatory may, if the edification of the Church demands it, require an accused person to refrain from approaching the Lord's Table, or from the exercise of office, or both, until final action in the case shall be taken; *provided*, that in all cases a speedy investigation or trial shall be had.

[NOTE.—See also Secs. xxxix, xlv and xlvi]

1. The accused may be suspended pending the issuing of the case.

An inquiry from J. A. Clayton: *Whereas*, Our Book of Discipline (Old), Chap. v, Sec. ii, says, "the same general method, substituting Presbytery for the Session," is to be observed in investigating charges against a minister as are prescribed in the case of private members, Does this authorize the Presbytery to apply the principle contained in Chap. iv, Sec. xviii, to ministers against whom charges exist that cannot be seasonably tried, so far as to suspend them from the functions of the Gospel ministry until they can be tried? P. S.—If the above will not apply, what should a Presbytery do in the case?

The Committee recommended the following resolution, which was adopted, viz.:

Resolved, That when charges are tabled against a minister, and it is impracticable at once to issue the case, the Presbytery has the right, if the interests of religion seem to demand the measure, to suspend him from the exercise of his ministerial functions until the case shall have been issued.—1848, p. 34, O. S.

2. Suspension from the ministry during process.

a. Overtured, that a Committee be sent to Rehoboth, in the affair between Mr. Clement and that people; and that Mr. Clement be suspended from the exercise of his ministry, until the determination of that Committee. This overture was carried by a vote in the affirmative, *nemine contradicente*.—1720, p. 62.

b. On account of Mr. Miller's unjustifiable delay for some years to enter his complaint before us, the irregularity of his proceedings during that time, and the atrocious nature of the crimes laid to his charge, we do hereby declare him suspended from the exercise of the ministerial office till his complaint can be fully heard.—1769, p. 396.

3. Suspension from privileges of membership.

a. That as citation on the foregoing plan is the commencement of a process involving the right of membership in the Assembly, therefore,

Resolved, That agreeably to a principle laid down, Chap. v, Sec. ix, of the Book of Discipline (Old), the members of said judicatories be excluded from a seat in the next Assembly until their case shall be decided. Adopted, yeas, 128; nays, 122.—1837, p. 425.

b. The Assembly of 1866 excluded the commissioners from the Presbytery of Louisville from a seat, until the Assembly should decide upon the conduct of their Presbytery.—1866, p. 12, O. S.

CHAPTER V.

SPECIAL RULES PERTAINING TO CASES BEFORE SESSIONS.

XXXIII. When an accused person has been twice duly cited, and refuses to appear, by himself or counsel, before a Session, or, appearing, refuses to answer the charge brought against him, he shall be suspended, by act of Session, from the communion of the Church, and shall so remain until he repents of his contumacy, and submits himself to the orders of the judicatory.

[NOTE.—See under Sec. xxi, p. 643, for decisions on contumacy.]

XXXIV. The censures to be inflicted by the Session are, Admonition, Rebuke, Suspension or Deposition from office, Suspension from the communion of the Church, and, in the case of offenders who will not be reclaimed by milder measures, Excommunication.

[NOTE.—See also under Sec. xliii.]

1. Censure is not to be removed without evidence of repentance.

The Assembly having heard the complaint of the Presbytery of Carlisle against the Synod of Philadelphia in the case of William S. McDowell, with the facts and arguments offered both by the Presbytery and the Synod, judged that the Synod had a constitutional right to reverse the decision of the Presbytery in the case, either in whole or in part, as to them might seem proper, but that in the exercise of this right the Synod have not duly regarded the principles of discipline prescribed in the Constitution, inasmuch as it appears by their records that they have removed all censure from a man whom they declare to be deserving of rebuke, without directing that rebuke to be administered, and without receiving any evidence of his penitence.—1823, p. 81.

2. Deposition and excommunication, distinct acts.

a. The records of the Synod of Geneva are approved, with the exception of a resolution, which declares that a deposed minister ought to be treated as an excommunicated person. In the judgment of this Assembly, the deposition and excommunication of a minister are distinct things, not necessarily connected with each other, but when connected, ought

to be inflicted by the Presbytery, to whom the power of judging and censuring ministers properly belongs.—1814, p. 549.

b. *Resolved*, That though the causes which provoke deposition are almost always such as to involve the propriety of exclusion from the sacraments, yet the two sentences are not essentially the same, the one having reference to office, and the other to the rights of membership; and, therefore, Presbyteries should be explicit in stating both, when they mean both. When, however, a Presbytery interpret deposition to involve suspension from the sacraments, and pronounce the censure in that sense, the sentence obviously includes both.—1848, p. 34, O. S.

XXXV. The sentence shall be published, if at all, only in the church or churches which have been offended.

CHAPTER VI.

GENERAL RULES PERTAINING TO THE TRIAL OF A MINISTER, ELDER, OR DEACON.

XXXVI. As the honor and success of the gospel depend, in a great measure, on the character of its ministers, each Presbytery ought, with the greatest care and impartiality, to watch over their personal and professional conduct. But as, on the one hand, no minister ought, on account of his office, to be screened from the hand of justice, or his offences to be slightly censured, so neither ought charges to be received against him on slight grounds.

XXXVII. If a minister be accused of an offence, at such a distance from his usual place of residence as that it is not likely to become otherwise known to his Presbytery, it shall be the duty of the Presbytery within whose bounds the offence is alleged to have been committed, if it shall be satisfied that there is probable ground for the accusation, to notify his Presbytery thereof, and of the nature of the offence; and his Presbytery, on receiving such notice, shall, if it appears that the honor of religion requires it, proceed to the trial of the case.

1. Discipline of a minister can be only by his own Presbytery.

A proposition from the Presbytery of West Lexington and Louisville to the Assembly to authorize them to prosecute ministers of other Presbyteries who may preach heresy within their bounds, was taken up and read.

Whereupon it was *Resolved*, That the Constitution in Secs. ii, iii or iv, of Chap. v, of the Book of Discipline (Old), contains sufficient provision on the subject overtured.—1835, p. 476.

2. Even when non-resident.

The Presbytery of New York represented to Synod that one of their members now resided in the bounds of New Brunswick Presbytery, whose moral character labored under some imputations, and requested the advice of Synod as to which of the Presbyteries should make the inquiry

into that matter, whereupon the Synod judged it to be the duty of the Presbytery of New York.—1782, p. 495.

3. Boards have no authority to sit in judgment on ministers.

a. In answer to the questions propounded by the Presbyteries of Union and French Broad, the Assembly would say, that though they do not recognize in the Board of Missions the authority to sit in judgment upon the orthodoxy or morality of any minister who is in good standing in his own Presbytery, yet, from the necessity of the case, they must exercise their own sound discretion upon the expediency or inexpediency of appointing or withholding an appointment from any applicant, holding themselves amenable to the General Assembly for all their official acts. —1830, p. 290.

b. In all questions touching . . . . the character of ministers the Board of Home Missions, in cases of difference between itself and the Presbytery, should abide by the final judgment of the Presbytery.—1883, p. 644.

4. Discipline by Boards of Missions, etc., not recognized.

The Third Presbytery of New York, by overture, inquire what order it would be proper for them to take with reference to a member who has been excluded from Christian fellowship by a ministerial association under the patronage of the A. B. C. F. M., and dismissed from the service of that Board for immorality, and with whom a regular process of discipline by the Presbytery is difficult, on account of his distance from them and from any ecclesiastical body of our connection. The General Assembly reply, that the ecclesiastical relations of the individual in question evidently remain unchanged by the action of persons not organized under any distinct form of government, and especially not guided by the principles of discipline to which he was subject; and the only correct course for the Presbytery to take, if they regard him as a proper subject of discipline, is to pursue precisely the forms of process given in our Book of Discipline, however difficult or protracted the actual process may be.—1856, p. 194, N. S.

5. Ecclesiastical power of a mission.

Overture from the Presbyterian Mission in Korea, asking for advice as to the ecclesiastical power of a mission.

Answer: The only recognized authority in the Presbyterian Church in matters of licensure and ordination is the Presbytery, or a Commission duly constituted by a Presbytery. A mission has no such authority.—1896, p. 146.

6. Duty of a Presbytery to give notice of an offence.

Overture from the Presbytery of Rock River, being a question of interpretation of the Book of Discipline (Old), Chap. v, Sec. iv.

The Committee recommends the following answer:

When it is alleged that a minister has committed an offence in the bounds of a Presbytery of which he is not a member, the Presbytery in the bounds of which it is alleged the offence was committed has performed its entire duty in the premises when it notifies the Presbytery to which he belongs of the allegation and the grounds on which the allegation is based.

The report was adopted.—1869, p. 922, O. S.

7. A suspended licentiate can be restored only by the Presbytery which suspended him. Another may take testimony.

The Committee to which was referred the statement of the commissioner from the Presbytery of Fayetteville, respecting a licentiate of the Presbytery of Hopewell, who had been suspended, both from the privilege of preaching the Gospel, and from the enjoyment of the sealing ordinances of God's house, reported the following, which was adopted, viz.:

Resolved, That the only correct mode to be pursued by the licentiate, in order to obtain restoration to his former standing, is to make direct application to the Presbytery of Hopewell; and that the Presbytery of Fayetteville may, with propriety, collect and transmit to the Presbytery of Hopewell, any testimony, touching the moral character of said licentiate, while living within the bounds of the Presbytery of Fayetteville, whenever requested by either the licentiate or the Presbytery of Hopewell.—1822, p. 39.

8. Such Presbytery has no power to try, but only to take testimony.

That in the opinion of this Assembly, the Presbyteries both of Harmony and Steubenville appear to have misconceived the directions as laid down in Chap. v, Secs. iii, iv, of the Book of Discipline (Old); inasmuch as those rules do not transfer jurisdiction from a Presbytery to which a minister belongs, to the one within whose bounds he resides, so as to authorize the latter Presbytery to try such minister; but only to examine witnesses in the case, and transmit an authentic record of the testimony to the Presbytery which made the application; therefore,

Resolved, 3. That the Presbytery of Harmony is at liberty to pursue such a course in the case of Mr. Belknap as the circumstances of the case and the good of religion shall in their opinion require.—1831, p. 339.

XXXVIII. If a minister accused of an offence refuses to appear by himself or counsel, after being twice duly cited, he shall, for his contumacy, be suspended from his office; and if, after another citation, he refuses to appear by himself or counsel, he shall be suspended from the communion of the Church.

XXXIX. If a judicatory so decides, a member shall not be allowed, while charges are pending against him, to deliberate or vote on any question.

XL. If the accused be found guilty, he shall be admonished, rebuked, suspended or deposed from office (with or without suspension from church privileges, in either case), or excommunicated. A minister suspended from office may, at the expiration of one year, unless he gives satisfactory evidence of repentance, be deposed without further trial.

1. Sentence may be passed on confession.

From the Session of the First Presbyterian Church, Knoxville, Ia., asking if the accused person, before a Committee regularly appointed by the judicatory for private interview, confess guilt and willful persistence in sin, and, afterward appearing before the judicatory upon the first cita-

tion, again confesses guilt and willful persistence in sin, may the judicatory proceed to pass their sentence without a further process of trial? Answered in the affirmative.—1879, p. 613.

[NOTE.—See Book of Discipline, Sec. xlvii, "Cases without Process."]

2. A suspended minister may not exercise any function of the ministry.

That in the opinion of this Assembly, ministers of the Presbyterian Church, when regularly suspended by the competent judicatories, have no right to exercise the functions of a minister during that suspension.—1825, p. 156.

3. Does not rank as a "common Christian in good standing."

The Committee appointed to examine the records of the Synod of Geneva reported, that the book be approved, with the exception of pp. 270 and 271, where the conduct of the Presbytery of Ontario is censured for condemning the conduct of Mr. Foreman, a suspended minister, for exercising the rights of a common Christian, in illustrating Scripture and delivering exhortations; because, without deciding on the rights of common Christians in this matter, Mr. Foreman, being suspended from the ministry, ought by no means to be considered as occupying the ground of a common Christian in good standing.—1821, reprint, p. 15.

[NOTE.—Mr. Foreman was suspended for immorality, but persisted "in illustrating Scripture and delivering exhortations." This conduct the Presbytery of Ontario "condemned." The Synod censured the Presbytery for its condemnation of the conduct of Mr. Foreman. On review of the records of the Synod of Geneva, the Assembly made the above deliverance.]

4. The name of a suspended minister is to remain upon the roll.

a. The records of the Synod of Northern Indiana approved except that, on p. 54, the Synod censure the Presbytery of Michigan for retaining the name of Mr. Nicoll on the roll after suspending him from the Gospel ministry. Your Committee are of the opinion that the name of a suspended minister should be retained on the roll of Presbytery till they proceed to the higher censure, though he be deprived of the exercise of his ministerial functions. The report was adopted.—1847, p. 398, O. S.

b. From the Presbytery of Redstone, asking if it is proper to remove the name of a suspended member of the Presbytery from its roll, and place it in a private register. Your Committee recommend that this overture be answered in the negative. Adopted.—1882, p. 96.

XLI. Heresy and schism may be of such a nature as to call for deposition; but errors ought to be carefully considered, whether they strike at the vitals of religion and are industriously spread, or whether they arise from the weakness of the human understanding, and are not likely to do much injury.

XLII. If the Presbytery finds, on trial, that the matter complained of amounts to no more than such acts of infirmity as may be amended and the people satisfied, so that little or nothing remains to hinder the usefulness of the offender, it shall take all prudent measures to remove the evil.

XLIII. A minister deposed for immoral conduct shall not be restored, even on the deepest sorrow for his sin, until after some considerable time

of eminent and exemplary, humble and edifying conduct; and he ought in no case to be restored, until it shall clearly appear to the judicatory within whose bounds he resides, that the restoration can be effected without injury to the cause of religion; and then only by the judicatory inflicting the censure, or with its advice and consent.

1. One Presbytery may not restore a minister deposed by another.

a. A memorial of the Rev. George D. Stewart and others, that the General Assembly would take action and give relief in the case of Rev. Michael Hummer, who, having been deposed by the Presbytery of Iowa, had been restored by the Presbytery of Highland, against the remonstrance of the Presbytery of Iowa, just as if he was an independent minister.

It is recommended that this General Assembly declare that it is irregular and unconstitutional for any Presbytery to receive and restore a member of another Presbytery who has been deposed; and therefore the action of the Presbytery of Highland in restoring Mr. Hummer was improper; and the Presbytery of Highland is directed to reconsider its action, and proceed according to the requirements of the Constitution. The report was adopted.—1862, p. 608, O. S.

b. *And whereas*, The (O. S.) General Assembly (pp. 159 and 160, Moore's *Digest*, 1886) decided in 1862 that "a Presbytery may not restore a minister deposed by another," and the (N. S.) General Assembly (pp. 617 and 618, Moore's *Digest*, 1873), in 1858, decided "that only the Presbytery which deposed a minister has jurisdiction over him," therefore *Resolved*, That the Presbytery of Furrukhabad erred in receiving and restoring to the ministry the said John S. Woodside, while he was under sentence of deposition by the Presbytery of Saharanpur, and in accordance with the action of the General Assembly in a similar case between Presbyteries of our own Church (see Moore's *Digest*, pp. 159 and 160), this Assembly directs the Presbytery of Furrukhabad to reconsider its action, and proceed according to the requirements of the Constitution, as provided for the guidance of our Presbyteries in similar circumstances between themselves. Adopted.—1883, pp. 628, 629.

2. Restoration of a deposed minister conditioned on conduct under sentence.

An extract from the records of the Presbytery of New York was laid before the Assembly and read. From this and the explanation given, it appeared that a certain Aaron C. Collins, formerly a member of that Presbytery, had been deposed by them from the office of the Gospel ministry; that the crimes for which he was deposed were scandalous and highly aggravated; that his submission to the sentence of deposition had been only partial, he having exercised the functions of a Gospel minister during a part of the time he lay under the sentence; that Mr. Collins had lately applied to that Presbytery to restore him to his office, and certain circumstances were stated as evidence of his penitence. The Presbytery therefore requested the advice of the General Assembly in the premises. And as the principal crime for which Mr. Collins had been deposed had been committed within the limits of the General Association of Connecticut, which had formerly taken cognizance of the offence, the Presbytery requested the coöperation of the Assembly for bringing the case before the Association for their advice.

The Assembly having taken this subject into consideration, and obtained the necessary information,

Resolved, 1. That they cannot advise the Presbytery of New York to restore Mr. Collins under existing circumstances.

2. That this Assembly comply with the latter request made by the Presbytery of New York: they accordingly did, and hereby do enjoin it on their delegates to the next General Association, to take the necessary measures for bringing this subject before that body, for their advice. —1805, reprint, p. 335.

The delegates from the last General Assembly, to the General Association of Connecticut, reported,

"That they fulfilled the duties of their appointment, and attended diligently all the sessions of the reverend body to which they were delegated; that agreeably to the direction of the General Assembly, they laid before the Association the papers relative to Mr. Aaron C. Collins, and requested their concurrence in the resolution of the Assembly relative to that man. After the examination of these papers, the Association readily concurred in the Assembly's resolution, and gave it as their decided opinion, that as he had treated the sentence of deposition by the Presbytery of New York with contempt, in partially exercising the functions of the Gospel ministry when deposed from his office, it would be improper to restore him till he gave better evidence of his penitence, and likewise manifested sorrow for disregarding the authority of the Presbytery."—1806, reprint, p. 348.

3. The Assembly recommends restoration, the ends of discipline being gained.

Resolved, That the prayer of the memorialist be granted so far as that this General Assembly recommend to the Presbytery of Fayetteville to reconsider their decision in the case of the Rev. Archibald McQueen; and if, in their judgment, it should appear conducive to the peace of the Church, and the promotion of religion in the region around them, to restore Mr. McQueen to the communion of the Church, and to the exercise of the functions of the Gospel ministry, on the ground that in his case the ends of discipline are attained by the operation of the sentence under which Mr. McQueen has been lying for a period of three years.—1845, p. 32, O. S.

[NOTE.—Mr. McQueen had been suspended from the ministry for marrying the sister of his deceased wife.]

4. When the names of deposed ministers are to be published.

Resolved, That it be recommended to the Presbyteries under the care of the General Assembly, when they shall depose any of their members from the exercise of the ministerial office; and when any person so deposed shall, without having been regularly restored, assume the ministerial character, or attempt to exercise any of the ministerial functions, that in such case, with a view to prevent such deposed person from imposing himself on the churches, Presbyteries be careful to have his name published in the Assembly's magazine, as deposed from the ministry, that all the churches may be enabled to guard themselves against such dangerous impositions.—1806, p. 360.

XLIV. If a minister is deposed without excommunication, his pulpit, if he is a pastor, shall be declared vacant; and the Presbytery shall give

him a letter to any church with which he may desire to connect himself where his lot may be cast, in which shall be stated his exact relation to the Church. If a pastor is suspended from office only, the Presbytery may, if no appeal from the sentence of suspension is pending, declare his pulpit vacant.

1. A minister who has been deposed returns to the condition of a private member, and must be reordained if restored.

Is reordination necessary in the restoration of a deposed minister to the sacred office? And in view of the provisions of the Revised Book of Discipline, will reordination be necessary in the restoration to the ministry of those by whom the office has been demitted?

The Committee recommends the following answer:

It is the judgment of this General Assembly that when a minister is deposed his office is taken from him, he becomes a layman, and according to the New Book of Discipline, Sec. xliv, he is to be enrolled as a communicant in a particular church. Should he be recalled to the ministry, therefore, he should be reordained.

The same course ought to be adopted in the restoration of one who has demitted the ministry; inasmuch as the Book of Discipline, Sec. li, describes one who has demitted the sacred office as returning "to the condition of a private member of the Church." Adopted.—1884, p. 115.

[NOTE.—See also Book of Discipline, Sec. li, p. 667.]

XLV. A Presbytery may, if the edification of the Church demand it, require an accused minister to refrain from the exercise of his office until final action in the case shall be taken: *provided*, that in all cases a speedy investigation or trial shall be had.

[NOTE.—See under Book of Discipline, Sec. xxxii, p. 656.]

XLVI. In process by a Session against a ruling elder or deacon, the provisions of this chapter, so far as applicable, shall be observed.

[NOTE.—As adopted in 1884, Sec. xlvi read as follows:
XLVI. "In process by a Presbytery against an acting elder, or by a Session against a Deacon, the provisions of this chapter, so far as applicable, shall be observed." See Note, Sec. xviii, p. 642. This form of the Section was rejected in 1885.]

CHAPTER VII.

OF CASES WITHOUT PROCESS.

XLVII. If a person commits an offence in the presence of a judicatory, or comes forward as his own accuser and makes known his offence, the judicatory may proceed to judgment without process, giving the offender an opportunity to be heard; and in the case first named he may demand a delay of at least two days before judgment. The record must show the nature of the offence, as well as the judgment and the reasons therefor, and appeal may be taken from the judgment as in other cases.

XLVIII. If a communicant, not chargeable with immoral conduct, inform the Session that he is fully persuaded that he has no right to come to the Lord's Table, the Session shall confer with him on the subject, and may, should he continue of the same mind, and his attendance on the other means of grace be regular, excuse him from attendance on the Lord's Supper; and, after fully satisfying themselves that his judgment is not the result of mistaken views, shall erase his name from the roll of communicants, and make record of their action in the case.

XLIX. If a communicant, not chargeable with immoral conduct, removes out of the bounds of his church, without asking for or receiving a regular certificate of dismission to another church, and his residence is known, the Session may, within two years, advise him to apply for such certificate; and, if he fails so to do, without giving sufficient reason, his name may be placed on the roll of suspended members, until he shall satisfy the Session of the propriety of his restoration. But, if the Session has no knowledge of him for the space of three years, it may erase his name from the roll of communicants, making record of its action and the reasons therefor. In either case, the member shall continue subject to the jurisdiction of the Session. A separate roll of all such names shall be kept, stating the relations of each to the church.

1. When one whose name is erased may be received by another church.

Overture, from the Presbytery of Philadelphia Central: "When the name of a person has been erased from the roll of communicants, when he has been absent three years and his residence unknown (Book of Discipline, Sec. xlix), and when he is still subject to the jurisdiction of the Session which erased his name, is it right for the Session of any other Presbyterian church to receive such person to their communion on profession of faith?"

We recommend as answer: Not if restored standing in the church to which he belongs, and regular dismission therefrom, are possible. Adopted.—1887, p. 81.

L. If any communicant, not chargeable with immoral conduct, neglects the ordinances of the Church for one year, and in circumstances such as the Session shall regard to be a serious injury to the cause of religion, he may, after affectionate visitation by the Session, and admonition if need be, be suspended from the communion of the Church until he gives satisfactory evidence of the sincerity of his repentance, but he shall not be excommunicated without due process of discipline.

1. Willful absenting oneself from the ordinances of God's house is an offence.

a. The decision of the General Assembly in the case of the appeal of Alexander Frazer against a decision of the Synod of Buffalo refusing to sustain his appeal, and affirming the decision of the lower courts suspending him from the communion of the Church on the charge of a willful

absenting of himself from the ordinances of God's house for the space of a year and a half, is that the appeal be not sustained, but the decision of the Synod affirmed:

1. Because the conduct charged, if the appellant was justly chargeable with such conduct, was a high offence.

2. Because it was openly acknowledged in court by the appellant that he was chargeable with the offence charged, and this is not denied by any party.—1859, pp. 546, 547, O. S.

b. The Assembly took up the complaint of the Rev. N. West, D.D., against the Synod of New York.

Mr. Rowland had absented himself from the ordinances of the Second Church of Brooklyn, N. Y., for some months. Upon application for his certificate, the Session gave him a certificate, omitting the words "at present in good and regular standing," and substituting for them a testimonial to his previous good Christian character, inserting at the same time a statement of the fact of his recent absence from the ordinances of the Church. Mr. Rowland brought a complaint against the Session before the Presbytery of Nassau, and the Presbytery sustained the complaint. Mr. West complained to the Synod against the Presbytery. The Synod of New York, sustained the complaint of Rev. N. West against the Presbytery, and then, in its final minute, ordered a letter in the usual form to be given to Mr. Rowland. Against the decision of the Synod in adopting this minute Mr. West complains. . . . . It was

Resolved, That the complaint of the Rev. N. West, D.D., be sustained, and the decision of the Synod in its final minute be and it hereby is reversed; and further that the Synod erred in prescribing to the Session of the Second Church of Brooklyn the form of a certificate to be granted to Mr. Rowland after they had already granted a certificate to him which was agreeable to the Constitution of the Church and to the truth.—1864, p. 328, O. S.

2. Disagreement with a pastor no excuse for willful absence.

The appeal and complaint of G. A. Hotchkiss against the Synod of Indiana for sustaining the Session of Pleasant Township Church and the Presbytery of Madison in censuring him for absenting himself from public worship on account of disagreement with his pastor. The papers were read in order, the regular process prescribed in the book was observed, and the Assembly voted unanimously that the action of the inferior courts be sustained and confirmed.—1854, p. 44, O. S.

3. Discipline enjoined for willful absence.

Is it consistent with regular standing in our Church for church members to be supporters and attendants in other churches not of our communion, while absenting themselves from and refusing to support the church to which they belong?

The Committee recommend that the question be answered in the negative, with an injunction on church Sessions to make such cases a matter of discipline. Adopted.—1865, p. 537, O. S.

4. Excommunication may not be without trial.

"Is it within the province of the Session to excommunicate without formal trial a church member who makes a written confession of having

embraced heretical views, and in consequence having violated covenant by long-continued absence from the ordinances of the Church, and who requests to be cut off from the church?" The Committee recommend that the party asking the above question be referred to the Book of Discipline (Old), Chap. iv, and such Session be urged to follow strictly the order laid down therein. Adopted.—1865, p. 12, N. S.

LI. If a minister, otherwise in good standing, shall make application to be released from the office of the ministry, he may, at the discretion of the Presbytery, be put on probation, for one year at least, in such a manner as the Presbytery may direct, in order to ascertain his motives and reasons for such a relinquishment. And if, at the end of this period, the Presbytery be satisfied that he cannot be useful and happy in the exercise of his ministry, they may allow him to demit the office, and return to the condition of a private member in the Church, ordering his name to be stricken from the roll of the Presbytery, and giving him a letter to any church with which he may desire to connect himself.

[NOTE.—Deliverances of the Assembly, so far as they forbade the demission of the ministry, have been annulled by the above section.]

LII. If a communicant renounces the communion of this Church by joining another denomination, without a regular dismission, although such conduct is disorderly, the Session shall take no other action in the case than to record the fact, and order his name to be erased from the roll. If charges are pending against him, these charges may be prosecuted.

LIII. If a minister, not otherwise chargeable with an offence, renounces the jurisdiction of this Church, by abandoning the ministry, or becoming independent, or joining another denomination not deemed heretical, without a regular dismission, the Presbytery shall take no other action than to record the fact and to erase his name from the roll. If charges are pending against him, he may be tried thereon. If it appears that he has joined another denomination deemed heretical, he may be suspended, deposed, or excommunicated.

[NOTE.—See, also, in this *Digest*, pp. 208 and 211. Sec. liii, however, makes void certain deliverances of the Assembly, made before its adoption in 1884.]

1. To strike from the roll the name of a minister withdrawing while under investigation, is unconstitutional and void.

The letter of Rev. T. M. Dawson to the Presbytery of San Francisco, August 7, 1875, was, according to the concession of both parties to the complaint, understood and acted upon as an announcement of his withdrawal from the Presbyterian ministry. As such withdrawal, while the Presbytery was prosecuting inquiries in regard to the character and conduct of the minister professing to withdraw, finds no sanction in the Form of Government and precedents of the Church, the striking of the name of Rev. T. M. Dawson from the roll of the Presbytery was unconstitutional and void.—1876, p. 449.

2. A minister's name may not be stricken from the roll, except by his consent, by discipline, or by his having recognized some other jurisdiction, or by becoming independent.

Overture, being a request from the Presbytery of West Chester that the Assembly shall define the authority of Presbyteries, in regard to taking from the roll the names of ministers serving churches in other denominations. The Committee recommend the adoption of the following:

Since the adoption of the Revised Book of Discipline, especially Sec. liii in Chap. vii, a Presbytery has no authority to take a minister's name from the roll, without his consent, except by discipline, unless he has said or done something, which either recognizes some other ecclesiastical jurisdiction over him, or declares his independence. Adopted.—1885, p. 604.

3. Those who entertain views irreconcilable with our Standards urged to withdraw.

a. While, in accordance with complete freedom of conscience, the General Assembly would urge upon all, fidelity to our doctrinal Standards, they would at the same time earnestly advise any one who may entertain views irreconcilable with our Standards, to take the authorized course, after consultation with his Presbytery, and peacefully withdraw from the ministry of our Church.—1878, p. 99.

b. The General Assembly would remind all under its care that it is a fundamental doctrine that the Old and New Testaments are the inspired and infallible Word of God. Our Church holds that the inspired Word, as it came from God, is without error. The assertion of the contrary cannot but shake the confidence of the people in the sacred Books. All who enter office in our Church solemnly profess to receive them as the only infallible rule of faith and practice. If they change their belief on this point, Christian honor demands that they should withdraw from our ministry. They have no right to use the pulpit or the chair of the professor for the dissemination of their errors until they are dealt with by the slow process of discipline. But if any do so act, their Presbyteries should speedily interpose, and deal with them for violation of ordination vows. The vow taken at the beginning is obligatory until the party taking it is honorably and properly released. The General Assembly enjoins upon all ministers, elders and Presbyteries, to be faithful to the duty here imposed.—1892, p. 179.

4. Names of ministers whose residence is unknown to be kept on a reserved roll.

Overture from the Presbytery of Brooklyn, asking that ministers whose names are now on the rolls of Presbyteries, and are reported from year to year, though it is not known where they reside, or whether they are living or not, may be reported apart from others, their names being printed on a Reserved Roll; and that the Presbyteries be directed to place their names on Reserved Rolls in their respective reports to the Assembly, and not to count them in determining their representation in the Assembly.

The Committee recommend that the request be granted. Adopted.—1891, p. 106.

5. Minister absent and residence unknown, stricken from the roll without prejudice to ministerial standing.

Overture from the Presbytery of Columbus, asking leave to erase the name of the Rev. Emil Sage from its roll without prejudice to his ministerial standing. Mr. Sage having been received into the Presbytery in 1882 under the regulations applicable to foreign ministers, has now been absent from the country for several years, having probably returned to Europe, and his residence, after due effort, cannot be ascertained.

We recommend that the permission asked for by the Presbytery be granted. Adopted.—1888, p. 110.

CHAPTER VIII.

OF EVIDENCE.

LIV. Judicatories ought to be very careful and impartial in receiving testimony. Not every person is competent, and not every competent person is credible, as a witness.

LV. All persons, whether parties or otherwise, are competent witnesses, except such as do not believe in the existence of God, or a future state of rewards and punishments, or have not sufficient intelligence to understand the obligation of an oath. Any witness may be challenged for incompetency, and the judicatory shall decide the question.

1. A prosecutor may testify.

Exception to records of Synod of Philadelphia. That on p. 18, res. 2, decides, That a prosecutor cannot be a witness in the same case; whereas a prosecutor in behalf of common fame is not excluded from bearing testimony, nor does our Book exclude any prosecutor from bearing testimony on either side of a case pending.—1858, reprint p. 565, O. S.

LVI. The credibility of a witness, or the degree of credit due to his testimony, may be affected by relationship to any of the parties; by interest in the result of the trial; by want of proper age; by weakness of understanding; by infamy or malignity of character; by being under church censure; by general rashness or indiscretion; or by any other circumstances that appear to affect his veracity, knowledge, or interest in the case.

1. Credibility of a witness to be determined by the judicatory.

An overture from the Presbytery of Ningpo, China, asking:

1. In Form of Government, Chap. ix, Sec. vi, are non-church-members included in the expression, "other witnesses," or does it refer only to witnesses from other congregations?

2. May a heathen of good repute appear as a witness before a church Session in a case of discipline?

Answer: Persons who are not church-members, even though heathen, in good repute, may be admitted to testify. Their credibility is to be determined by the judicatory. (See Discipline (Old), Chap. vi, Secs. i, ii and iv.) Adopted.—1881, p. 585.

[NOTE.—See below, Sec. lvii.]

LVII. A husband or wife shall be a competent witness for or against the other, but shall not be compelled to testify.

1. Husband and wife competent witnesses in the same case.

The Assembly went into the consideration of the case reported by the Presbytery of Ohio, which was in the following terms: "A certain married woman charges an unmarried man with immodest conversation and conduct in attempts upon her chastity, of which her husband and another, or indifferent person, were at a certain time witnesses. Whereas our Constitution declares that a person accused shall not be convicted by a single witness, can the said woman and her husband be admitted witnesses in the above case?"

To the above question the Assembly answered, that in all such cases as that submitted by the Presbytery of Ohio, it is a principle that both the husband and wife are to be admitted to give testimony. But in every particular case as it occurs, the judicature before whom it is tried ought, in order to guard against collusion, to pay a very scrupulous regard to all the circumstances attending it, and especially to the characters of those who are admitted as evidences, so that on one hand the necessity of the case may be consulted, and on the other, that no injury may result to an innocent person.—1797, p. 128.

LVIII. Evidence may be oral, written or printed, direct or circumstantial. A charge may be proven by the testimony of one witness, only when supported by other evidence; but, when there are several specifications under the same general charge, the proof of two or more of the specifications, by different credible witnesses, shall be sufficient to establish the charge.

1. When one of two specifications of a charge is proved the charge itself is proved.

The Committee appointed to examine the minutes of the Synod of India reported that:

From the minutes it appears that the Rev. J. C. Bose, of the Presbytery of Lahore, was tried by his Presbytery on the charge of lying and deceit, and found guilty under each of two specifications, and was thereupon suspended from the ministry; that he appealed from this judgment to the Synod; that the Synod, on review of the case, sustained the finding of the Presbytery under one specification only, and required the Presbytery to administer to Mr. Bose a severe censure and restore him to the ministry.

Against this decision of the Synod a protest was made and entered upon the minutes, on the grounds:

1. That though one of the specifications had not been established, the crime remained the same under the other specification, which the Synod sustained.

2. That the restoration enjoined upon the Presbytery of Mr. Bose to the ministry, without any acknowledgment of guilt or evidence of repentance, was contrary to the express requirement of the Book of Discipline.

So far as the records go, these objections seem to be well taken, but no answer to them by the Synod is recorded. It appears, however, that

action of the Synod turned upon the interpretation of Sec. lviii of the Book of Discipline, and the consequent application of Sec. xcix.

We also find that the Synod, on review of the minutes of the Presbytery of Lodiana, adopted and ordered to be entered on the minutes of that Presbytery, a report taking exceptions to these minutes, but—accidentally, it would seem—omitted the record of this report from its own minutes, and when the omission was called to the attention of the Synod, at its next meeting, it then, by a vote, refused to enter the report.

Against this refusal a protest was made and recorded, on the ground that among the exceptions taken in the report were matters of great importance as precedents to the youthful Church of India, notably one which is specified, viz., that three ministers were received into said Presbytery very irregularly, without certificates of dismission from the bodies to which they belonged, or examination. To this protest no answer by the Synod is recorded. We therefore recommend that the minutes of the Synod of India be approved, with the following exceptions:

1. The requiring of the Presbytery of Lahore to restore Mr. Bose to the ministry without acknowledgment of guilt or evidence of repentance was a virtual reversal of the judgment and sentence of the Presbytery, founded, so far as the records show, on the erroneous interpretation of Sec. lviii of the Book of Discipline, that where one only of two specifications of a charge is proved, the charge itself is not proved.

2. The failure to record the report adopted in reference to the Presbytery of Lodiana leaves the minutes of the Synod an incomplete record of its proceedings.—1887, p. 129.

2. When the offence charged is not sustained the verdict should be "not guilty."

Complaint of T. S. Hamlin *et al. vs.* the Synod of Baltimore.

The following is a statement of the case: The Rev. Francis M. Todd, a member of the Presbytery of Washington City, had been tried by that body, sitting in a judicial capacity, on serious charges affecting his moral character, and the finding of the court, as expressed in its final vote on "the calling of the roll," was, "Not Sustained." The Presbytery, however, subsequently expressed its judgment in the following record, viz.: "That under the provision of the Book of Discipline, Chap. viii, Sec. lviii, a charge may be proven by the testimony of one witness only when supported by other evidence; a majority of the judicatory have voted not to sustain the specification and charges against said Todd, such judgment being rendered, owing to the fact that the supporting evidence to the principal witness is insufficient." From this recorded judgment Mr. Todd appealed to the Synod of Baltimore upon several grounds, but chiefly for the reasons of its inconsistency with the verdict of acquittal previously rendered, and the unjust and damaging effect of the subsequent record upon his character. The Synod of Baltimore, by a very decided vote, sustained this appeal, and directed the Presbytery "to record in their minutes the verdict expressed in their vote 'Not to Sustain,' viz., 'Not Guilty.'" And it is against this decision of the Synod that the present complaint has been brought.

The judgment of the Commission is that the decision of the Synod was right and ought to be sustained and consequently that the complaint should be dismissed. Adopted.—1888, p. 103.

LIX. No witness afterwards to be examined, except a member of the judicatory, shall be present during the examination of another witness if either party object.

LX. Witnesses shall be examined first by the party producing them: then cross-examined by the opposite party; after which any member of the judicatory or either party may put additional interrogatories. Irrelevant or frivolous questions shall not be admitted, nor leading questions by the parties producing the witness, except under permission of the judicatory as necessary to elicit the truth.

LXI. The oath or affirmation shall be administered by the Moderator in the following, or like, terms: "You solemnly promise, in the presence of the omniscient and heart-searching God, that you will declare the truth, the whole truth, and nothing but the truth, according to the best of your knowledge, in the matter in which you are called to testify, as you shall answer to the Great Judge of quick and dead."

1. The authority for administering a judicial oath.

The Committee appointed to draft an answer to the following question, overtured from the Presbytery of Georgia, viz.: "Whence do the General Assembly derive authority to empower the Moderator of a church Session to administer an oath?" reported the following, which was adopted, viz.: "An oath for confirmation (saith the apostle), is to them an end of all strife" (Heb. vi. 16). It is a solemn affirmation, wherein we appeal to God, as the witness of the truth of what we say; and with an imprecation of his vengeance if what we affirm is false, or what we promise be not performed. Its force results from a belief that God will punish false swearing with more severity than a simple lie, or breach of promise; because perjury is a sin of greater deliberation, and violates superior confidence.

That oaths are lawful is evident from the fact that our Lord, when interrogated on certain occasions, answered upon oath. (See Matt. xxvi. 63, 64.) Paul also uses several expressions which contain the nature of an oath. (See Rom. i. 9, ix. 1; 1 Cor. xv. 31; 2 Cor. i. 18; Gal. i. 20.) They are solemn appeals to God. It is manifest that oaths are not to be used on light or trivial occasions. We are expressly commanded not to take God's name in vain. But as the Bible does not point out the particular occasions when oaths are to be used; nor the persons who are to administer them, these circumstances are left to the discretion of individuals and communities. The necessity of oaths is founded in expediency; and all associations, whether civil or ecclesiastical, have a right to use them for confirmation, when, in the exercise of a sound discretion, they are deemed important. It is lawful for every community, in the compact on which their union is founded, to point out the cases in which oaths shall be used, and who shall administer them. The authority of Moderators in the Presbyterian Church to administer oaths is not derived from the General Assembly, but from the Constitution, or articles of compact, which our churches have adopted, and by which they have agreed to be governed as a Christian community. It may be proper also to add, that the oaths prescribed by ecclesiastical authority and administered by civil authority, in no respect interfere

with our relations to civil society. Nor can the administering of them, if rightly viewed, be considered as a violation of those laws of the State, which prescribe the manner in which civil oaths shall be administered.—1823, p. 87.

[NOTE.—See Confession of Faith, Chap. xxii, p. 91.]

2. Testimony should be under oath and recorded.

Statements were given as evidence by the members of Presbytery, which are not recorded, and which do not appear to have been given under the usual solemnity of an oath. Craighead's case.—1824, p. 122.

LXII. Every question put to a witness shall, if required, be reduced to writing. And, if either party desire it, or if the judicatory shall so decide, both question and answer shall be recorded. The testimony, thus recorded, shall be read to the witnesses, in the presence of the judicatory, for their approbation and subscription.

[NOTE.—See also under Section lxi, 2, above.]

LXIII. The records of a judicatory, or any part of them, whether original or transcribed, if regularly authenticated by the Clerk, or in case of his death, absence, disability or failure from any cause, by the Moderator, shall be deemed good and sufficient evidence in every other judicatory.

LXIV. In like manner, testimony taken by one judicatory, and regularly certified, shall be received by every other judicatory, as no less valid than if it had been taken by themselves.

[NOTE.—65. All the evidence introduced in any judicatory shall be received under and according to the general rules of evidence, except as otherwise defined and limited by the provisions of this chapter. (New.)
Adopted, 1884. Omitted 1885, p. 602, and the following sections renumbered.]

LXV. Any judicatory, before which a case may be pending, shall have power, whenever the necessity of parties or of witnesses shall require it, to appoint, on the application of either party, a commission of ministers, or elders, or both, to examine witnesses; which commission, if the case requires it, may be of persons within the jurisdiction of another body. The commissioners so appointed shall take such testimony as may be offered by either party. The testimony shall be taken in accordance with the rules governing the judicatory, either orally or on written interrogatories and cross-interrogatories, duly settled by the judicatory, due notice having been given of the time when, and place where, the witnesses are to be examined. All questions, as to the relevancy or competency of the testimony so taken, shall be determined by the judicatory. The testimony, properly authenticated by the signatures of the commissioners, shall be transmitted, in due time, to the Clerk of the judicatory before which the case is pending.

LXVI. A member of the judicatory may be called upon to testify in a case which comes before it. He shall be qualified as other witnesses

are, and, after having given his testimony, may immediately resume his seat as a member of the judicatory.

1. A member of the judicatory required to testify; to refuse is contumacy.

a. *Resolved*, That a member of the judicatory, present when the judicatory is taking testimony, is bound, if called upon to do so, to give his testimony in the case that is in process, and that his refusal to do so, on the ground that he had not been cited beforehand, would subject him to censure for contumacy.—1854, p. 45, O. S.

b. Records of the Synod of Cincinnati excepted to for not sustaining Exception 2 to the minutes of the Presbytery of Cincinnati, p. 409, in the following words: "Denying to the prosecution the right to introduce members of the court on the spot, without a citation, to disprove and rebut certain testimony of the defence."—1878, p. 118.

LXVII. A member of the church, summoned as a witness, and refusing to appear, or, having appeared, refusing to testify, shall be censured according to the circumstances of the case for his contumacy.

1. A minister cited to testify before a Session.

A request from certain ministers and ruling elders of the Synod of Alabama, for the opinion of the General Assembly touching certain questions that may arise in the case of a minister, who, when cited by a church Session as a witness, declines to appear before that court. The Committee recommended that the brethren be referred to the Book of Discipline (Old), Chap. i, Sec. v; Chap. iv, Secs. xxi, xxxiii and lxvii; Chap. v, Secs. xxxvi, xviii and cxviii; Chap. vi, Sec. lxvii of this Book, for answer to their questions. Adopted.—1854, p. 17, O. S.

LXVIII. If, after a trial before any judicatory, new evidence is discovered supposed to be important to the exculpation of the accused, he may ask, if the case has not been appealed, and the judicatory shall grant, if justice seems to require it, a new trial.

1. New trial may be had on the allegation of new testimony.

a. That as new evidence, apparently of an important kind, has been alleged in this case since the decision of the Synod, it is proper that a new trial be instituted thereon.—1793, p. 68.

b. *Resolved*, That as only one of the parties in this case is present, this General Assembly do not consider themselves as placed in circumstances which admit of their reconsidering the decision of last Assembly on Mr. Hindman's appeal from the Synod of Philadelphia, even if the existence of new evidence were ever so unquestionable.

Resolved, also, That it is the well-known privilege of Mr. Hindman, if he consider himself as having new evidence to offer in this case, to apply to the Presbytery for a new trial upon that new evidence.—1811, p. 479.

c. The Judicial Committee reported on the appeal of John Ward from a decision of the Synod of Genesee, that on the ground of new testimony the appellant be directed to apply to the church of Bergen for a new trial. The report was adopted.—1829, p. 266; also 1841, p. 307, O. S.

2. If the judicatory refuse to grant a new trial upon the allegation of new testimony a complaint may lie.

a. A complaint from Mr. Francis Hindman against the Presbytery of New Castle, for not granting him a new trial in his case agreeably to the resolution of last Assembly, having been put into the hands of the Moderator, was read, together with several papers accompanying it [and referred to a Committee] who were authorized to call for other papers, and to cite witnesses, if they deem it necessary, and were directed to report to the Assembly the result of their attention to the subject.—1812, p. 496.

b. The Committee to which the complaint of Mr. Hindman against the Presbytery of New Castle had been referred, reported, and the report being read, was adopted, and is as follows, viz.:

That having carefully examined the papers committed to them, and having heard Mr. Hindman in his own case, as also a member of the Presbytery of New Castle in explanation of their conduct, they find no cause of complaint against said Presbytery in their treatment of Mr. Hindman.—1812, p. 504.

3. Appeal remitted for new trial on new testimony.

The consideration of the appeal of Mr. Todd, from the decision of the Synod of Kentucky, affirming a decision of the Presbytery of Transylvania, by which decision Mr. Todd was deposed from the Gospel ministry, was taken up, and the following resolution was adopted, viz.:

The Assembly, having heard the documents in this case, were of opinion, that the way is not clear, at present, for the reversal of the sentence of suspension; but as it appears to the Assembly, that Mr. Todd's opinions have not been perfectly understood; and whereas there appears to have been some irregularity, as to the nature of the testimony admitted on the trial before the Presbytery; therefore,

Resolved, That the Presbytery of Transylvania be directed to reconsider the case of Mr. Todd; to afford him another opportunity of explaining himself; and, if they should be satisfied, to restore him to his former standing.—1817, p. 666.

4. A superior judicatory may not order a new trial without the allegation of new testimony.

Appeal of Mrs. M. J. Browning from a decision of the Synod of Geneva. The Committee report that it has read the decision appealed from, and the reasons assigned for the appeal, and has heard the parties. They recommend that the General Assembly sustain the appeal.

a. 1. Because a superior court cannot order an inferior court to rehear a case already decided when no intimation of additional evidence is given.

[NOTE.—In cases of appeal, irregularity of proceedings may require a new trial, which may be ordered. Case of H. Donaldson; 1882, p. 107.]

Nor pass by the next lower, in which the case has once been adjudicated.

b. 2. Because in sending back the case, the Synod passed by the Presbytery in which the case had once been adjudicated. Adopted.—1878, p. 34.

LXIX. If, in the prosecution of an appeal, new evidence is offered, which, in the judgment of the appellate judicatory, has an important

bearing on the case, it shall either refer the whole case to the inferior judicatory for a new trial; or, with the consent of the parties, take the testimony, and hear and determine the case.

1. On the ground of new testimony, the case referred.

The Judicial Committee reported on the appeal of John Ward, from a decision of the Synod of Genesee, that having duly considered the case, they recommend that, on the ground of new testimony, the appellant be directed to apply to the church of Bergen for a new trial. The above report was adopted.—1829, p. 266.

2. The fact and importance of new evidence must be shown.

a. In the case of Rev. George Sheldon (see under Directory for Worship, Chap. xii, Sec. iii), the Assembly sustained the inferior courts, and in answer to a protest, reply:

1. The action of the Presbytery in the case was irregular, only technically, and not in such a sense as to vitiate the substantial justice of the result. The case had been on trial during a period of some three years, and ample opportunity had been given in this period for the accused to defend himself.

2. Although it is asserted, that only extracts from Mr. Sheldon's letters were admitted in evidence, yet it appears that one letter, and the most important one, is given in full; that the extracts from the other letters are undisputed, and that these fairly and clearly present the truth in the case.

3. As to the alleged new evidence, it appears that it was before the Judicial Committee of the Presbytery, and read in full before the Synod, and was unanimously decided by these judicatories to be no ground for reopening the case; and it also appears, that this testimony is wholly irreconcilable with statements made by Mr. Sheldon in the letters above referred to.

4. Inasmuch as the Assembly, after a full hearing of the case, by a vote of more than two-thirds, decided that there have been no material deviations from the rules of the Book of Discipline for conducting judicial cases, it is deemed unnecessary at this late hour of their sessions, to reply further to the allegations of the protestants.—1858, p. 609, N. S.

b. Rev. L. R. Lockwood asks that the Assembly direct the Presbytery of Dubuque to grant him a new trial, on the ground of new testimony.

The Committee recommend that this application be referred to the Presbytery of Dubuque, to the end that if the new testimony be found of sufficient importance to justify, that Presbytery may afford Mr. Lockwood the relief he asks. But if, in their judgment, a new trial ought not to be granted, that then the appeal shall stand for trial on the record as now existing, before the next General Assembly.

The report was adopted.—1866, p. 72, O. S.

c. *On examining the new testimony the decision affirmed.*

The consideration of Mr. Gwinn's appeal from the decision of the Synod of Pittsburgh was resumed; and the following decision in the case was adopted:

The Assembly, having carefully heard and considered the appeal of Mr. Andrew Gwinn from a decision of the Synod of Pittsburgh affirming

the judgment of the Presbytery of Ohio, adopted the following resolution, viz.: That whereas, in the judgment of this Assembly, it does not appear that the new testimony offered by Mr. Gwinn has in any important point changed the aspect of his case: therefore resolved, that the decision of the Synod in his case be affirmed.—1823, p. 90.

3. The Assembly, after investigation, refuses to refer the case, despite alleged new testimony, or to grant any further judicial trial.

The Judicial Committee in the case of the complaint of Rev. James Smylie from a decision of the Presbytery of Louisiana, in the case of the Rev. Dr. Scott, recommended the following, which was adopted:

There are three ways in which this complaint might be disposed of:

1. The Assembly might take it up, wade through the testimony, receive the new testimony that, it is understood, the complainant wishes to offer, to decide the case. But against this course, besides other difficulties, it may be mentioned as a very serious one, that the bare reading of the records of the Presbytery would consume four or five days.

2. Another mode might be adopted, by referring the case for reconsideration to the Presbytery of Louisiana, who might be directed to take any new testimony that should be properly offered.

3. Or the General Assembly might remand the case to the Synod of Mississippi, to hear the complaint, and dispose of it in a regular and constitutional manner. This, it is deemed, would be the wisest course.

But, were either of these modes adopted, it would require a great consumption of time, and subject the judicature that might adjudicate on the case to great inconvenience and no inconsiderable expense; and instead of resulting in practical good, might produce great excitement and consequences injurious to the peace and edification of an important section of our Church. The testimony is so voluminous, that to form a correct judgment on it, would require a retentive memory, patient attention, diligent comparison of its several parts, as well as a discriminating mind. It is to be regretted that the Presbytery sanctioned by their authority the publication of the speeches on both sides of the question. . . . .

The Committee recommend to the Assembly the adoption of the following resolution:

Resolved, That in view of the representation of the case given in the above statement by the Judicial Committee, of the voluminous nature of the testimony, and of the difficulties attending the case, and believing that the interests of the Church will be best promoted by adopting the course recommended by the Committee, and being willing to assume the responsibility of acting accordingly, this General Assembly do hereby terminate this unhappy case without any further judicial trial. Adopted. —1847, p. 385, O. S.

CHAPTER IX.

OF THE WAYS IN WHICH A CAUSE MAY BE CARRIED FROM A LOWER TO A HIGHER JUDICATORY.

LXX. All proceedings of the Session, the Presbytery, and the Synod (except as limited by Chap. xi, Sec. iv, of the Form of Government),

are subject to review by, and may be taken to, a superior judicatory, by General Review and Control, Reference, Complaint, or Appeal.

1. A judicial case can come before the Assembly only in some one of the above-mentioned ways.

The Judicial Committee reported that they have had under consideration the letter of the Rev. A. G. Fraser to this General Assembly—that Mr. Fraser states that he has been unavoidably prevented from personally prosecuting an appeal from the decision of the Synod of New Jersey, of which due notice was given that Synod, and requesting the General Assembly to appoint a Committee of ministers and elders to hear and adjudicate the whole matter; or, if such a plan is not within the jurisdiction of the General Assembly, that then this matter of appeal stand over to their next stated meeting. The Committee recommended that the following answer be given, viz.: According to the Book of Discipline of our Church, there are but four ways in which the General Assembly can have cognizance of a judicial case. As neither of these ways is contemplated in the request of Mr. Fraser, the Assembly cannot, without a violation of constitutional rules, take any action in the premises. In regard to a future prosecution of his appeal, the appellant must present his case, with the reasons for previous failure, before the next General Assembly, whose province it will then be to decide upon the whole subject. Adopted.—1850, p. 463, O. S.

I. OF GENERAL REVIEW AND CONTROL.

LXXI. All proceedings of the church shall be reported to, and reviewed by, the Session, and by its order incorporated with its records. Every judicatory above a Session shall review, at least once a year, the records of the proceedings of the judicatory next below; and, if the lower judicatory shall omit to send up its records for this purpose, the higher may require them to be produced, either immediately, or at a specified time, as circumstances may determine.

[NOTE.—The first sentence of the Section makes it obligatory upon the Session to review and record all proceedings of the church in a congregational meeting; as, *e.g.*, the election of elders and deacons; the fixing of the term of service under Form of Government, Chap. xiii, Sec. viii; the election of a pastor, or the request to Presbytery to dissolve the pastoral relation, and all other matters in which the congregation acts. It thus brings all the ecclesiastical proceedings of congregational (*i. e.*, church) meetings under the review and control of the superior judicatories.]

1. The incorporation of church proceedings is mandatory. Explanation of the meaning of this rule.

Overture from the Presbytery of Pittsburgh, relative to Article lxxi, Chapter ix, of the Book of Discipline, asking, first, whether, under that article, it is discretionary with church Sessions, to order the minutes of congregational meetings to be incorporated with the records of the Session; and second, if the rule is mandatory, what portion of the proceedings of the church must be included, and what may be omitted, and whether the reports of Boards or Committees, *i. e.*, those of Trustees, must be included in the records of the Session?

The Committee recommend that the following answer be given:

1. That the rule is not discretionary, but mandatory, that church Sessions shall order the incorporation of proceedings of congregational meetings with their own records.

2. That it is in the power of church Sessions to direct that the proceedings of such meetings, or of the church (whether said proceedings are reported to the Session in the form of minutes of meetings, or as reports of Boards or Committees) shall be incorporated in the Sessional records in such a manner, and to such an extent only, as will faithfully exhibit the action taken.

This construction of the rule in question is to be understood to apply to the proceedings of Trustees in all cases, in which, under the laws of the places where they exercise their functions, their action is subject to review by the Session. Adopted.—1887, pp. 117, 118.

2. The incorporation in Session records of the minutes of the Board of Deacons is discretionary.

Overture from the Presbytery of Washington City, relative to Art. lxxi, Chap. ix, Book of Discipline, whether under that article it is discretionary with church Sessions to order the minutes of the Board of Deacons to be incorporated with the records of Session? *Answer:* It is discretionary.—1891, p. 107.

3. Annual review of the records of all the judicatories required.

a. *Whereas*, It appeared in the course of the free conversation on the state of religion, that in one of the Presbyteries under the care of the General Assembly, the Sessional records of the several church Sessions were not regularly called up and examined every year by the said Presbytery, and there is reason to believe that other Presbyteries had conducted in the same manner; therefore,

Resolved, That it be and it hereby is required of all the Presbyteries within the bounds of the General Assembly annually to call up and examine the Sessional records of the several churches under their care, as directed in the Book of Discipline.—1809, p. 429.

b. The Assembly, after seriously reviewing the order of the last Assembly, and maturely deliberating on the remonstrance of the Presbytery of Philadelphia against it, can by no means rescind the said order, inasmuch as they consider it as founded on the Constitution of our Church, and as properly resulting from the obligation on the highest judicatory of the Church to see that the Constitution be duly regarded; yet, as it is alleged that insisting on the rigid execution of this order, with respect to some of the church Sessions, would not be for edification, the Assembly are by no means disposed to urge any Presbytery to proceed, under this order, beyond what they may consider prudent and useful.—1810, p. 453.

[Note.—See Form of Government, Chap. ix, Sec. viii, p. 173; Chap. x, Sec. ix, p. 224; Chap. xi, Sec. vi, p. 246.]

4. The Synods required to send up their records annually.

Whereas, It is an essential feature of the government of the Presbyterian Church that the records of all its Synods should be transmitted annually to its highest court—the General Assembly—for examination; and,

Whereas, This Assembly has painful evidence that this important regulation is by some of its Synods frequently, and by others entirely, neglected; therefore,

Resolved, That all our Synods be enjoined to take such order on this subject as shall ensure hereafter a faithful observance of the above

regulation; and in all cases where the Stated Clerks of any of our Synods have failed this year, or may hereafter fail, to obey their order, or the rule of the Assembly respecting this matter, such Synods are hereby required to judge of the reasons which such Clerks may offer for their delinquency, and to excuse or censure them according to the circumstances of the case.—1839, p. 165, O. S.

[NOTE.—See also other decisions on p. 255 of this *Digest*.]

5. After records have been approved corrections can be made only by recurrence to the judicatory approving.

Overture from the Session of the church of Wabash, Ind., on the following questions:

1. After the records of a church Session have been examined and approved by the Presbytery, and those of the Presbytery, in like manner, approved by the Synod, has either the Session or the Presbytery a right or any authority to change or erase the record?

2. If not, has the Session any legal right to make a second record declaring the first erroneous and void?

The Committee recommended that the following answer be given:

A record, once approved by a higher court, cannot be altered or annulled by a lower one. If there be an error in the record, the remedy is to be sought by an application to the highest judicatory which has indorsed such mistake. Adopted.—1862, p. 34, N. S.

6. Leave given to correct the record on error shown.

On p. 51, Vol. ii (of the records of the Synod of Cincinnati), a minute is found stating that in 1878 there is a record that had found its way among the proceedings of the Synod, although the same had not been ordered. The records have been approved by the Assembly of 1879, with this error in them. The Synod asks permission of this Assembly to declare this minute "to be no part of their proceedings." We recommend that the Synod have such permission. Adopted.—1880, p. 81.

7. A minute recording a fact can be amended or stricken out only by a unanimous vote or by a reconsideration of the original action.

It was moved to strike out the exceptions taken to the records of the Synod of New Jersey. The Moderator suggested that the motion was out of order, but he would put it to the house; which having been done, the motion was sustained with the exception of one *No*. The Moderator then declared the motion lost, as a minute recording a fact could not be amended but by a unanimous vote of the house, and he suggested that the case could be reached only by a motion to reconsider the vote of yesterday, by which the house refused to reconsider the vote adopting the report of the Committee on the records of the Synod of New Jersey. On appeal, the Moderator's decision was sustained. The vote was reconsidered. The report of the Committee was reconsidered and the records approved.—1841, p. 424, O. S.

8. A case judicially issued may be reviewed.

A protest against the Synod of Cincinnati in reviewing, under the power of review and control, certain actions of the Presbytery in the case of the Rev. Mr. McCune, which case had been judicially issued by

the Synod. The Committee recommend that the action be approved, for reasons set forth in the answer to the protest. Adopted.—1878, p. 118.

[NOTE.—See Sec. lxxii (4) and (5), p. 682.]

9. Copies of original records accepted in certain cases.

a. The records of the Synod of China, kept in Chinese, were accepted in a translated copy by the Assembly of 1871.

b. The Committee on the records of the Synod of India reported that a certified printed English translation of the minutes of the Synod had been placed in their hands. They recommend the approval of the records extending from December 27, 1877, to January 3, 1878. Adopted.—1878, p. 43.

10. Records in print must conform to the requirements.

[NOTE.—See in this *Digest*, pp. 258, 259.]

LXXII. In such review, the judicatory shall examine, first, whether the proceedings have been correctly recorded; second, whether they have been constitutional and regular; and third, whether they have been wise, equitable, and for the edification of the Church.

[NOTE.—For decisions on records, in addition to those which here immediately follow, see, in this Digest, Session, pp. 173, 174; Presbytery, pp. 224, 225, and Synod, pp. 246–259. It is important to consult the decisions given on the pages indicated.]

I. WHETHER THE PROCEEDINGS ARE CORRECTLY RECORDED.

1. Omitting to record the opening or closing with prayer.

a. The records of the Synod of Pennsylvania approved, except that "there is no evidence from the records that the last meeting of the Synod was opened with prayer."—1850, p. 314, N. S.; 1859, p. 531, O. S.; Kentucky, 1854, p. 501, N. S.

b. The records of the Synod of Tennessee were approved, with the following exceptions:

1. On p. 34 it appears from the record that the Synod adjourned at the close of the day without prayer.

2. On p. 36, it is recorded that the Synod was *constituted* with prayer, it being the second day of the sessions of the Synod.—1854, p. 500, N. S.

c. Records of Synod of Minnesota approved, except "that on p. 54, in the record of the session of Friday, September 30, 1859, no mention is made of the opening services."—1860, p. 239, N. S.

d. The opening minute of each session of the Synod of Cincinnati is defective, in not recording the meeting of the Synod before its being opened with prayer.—1849, p. 177, N. S.

e. Records of Synod of Cincinnati approved, except "that (on p. 5) the Synod adjourned without prayer."—1865, p. 553, O. S.

f. The Synod of Colorado took recess from 9.30 P.M. to 9.30 A.M., and did not close with prayer.—1887, p. 129.

[NOTE.—See also Synod of Colorado, 1887, p. 129; Texas, 1888, p. 135; Nebraska, 1889, p. 133; Indian Territory, 1889, p. 133.
Church Sessions are not required to open and close with prayer. See p. 161.]

2. Failing to record absentees.

Judicial case, the protest of J. B. Roberts against the action of the Synod of the Pacific, in excepting to the records of some of the Presby-

teries in said Synod, on the ground that the names of the absentees are not recorded.

The Committee recommends that the action of said Synod be maintained as final. Adopted.—1887, p. 68.

[NOTE.—See, also, in this *Digest*, p. 256.]

3. Churches not represented must be recorded.

Synod of Tennessee. The unrepresented churches are not recorded. —1894, p. 181.

4. The roll should be called prior to adjournment.

The minutes of the Synod of Kansas were approved, except that the roll was not called prior to the adjournment of the Synod, whereas it should have been called, and the names of absentees unexcused recorded, if there were any such, and if not, that fact recorded.—1895, p. 124.

5. The narrative of the state of religion to be recorded.

a. The records of the Synod of Illinois were approved, with the following exception, viz.:

At the sessions of Synod in October, 1846, it does not appear from the records that a narrative of the state of religion was prepared. Such an omission is considered contrary to the general usage of Synods, and not for the edification of the Church.—1849, p. 176, N. S.

b. The records of the Synod of Illinois were approved, except "that they do not contain the narrative on the state of religion which was presented by the Committee on that subject at the sessions of the Synod in 1854: p. 434."—1857, p. 387, N. S.; 1861, p. 462, N. S.; 1862, p. 28, N. S.

c. *Resolved*, That the Assembly earnestly recommend to the Presbyteries and Synods to record in their minutes the narrative of religion, and all other important papers.—1870, p. 91.

d. Synod of Illinois, in "the omission of the narrative from the record."—1881, p. 593; Synod of Washington, 1892, p. 200.

[NOTE.—See, also, in this *Digest*, p. 254.]

6. Cases acted upon must be described, and the disposal made of them indicated.

a. Synod of Cincinnati. On pp. 6 and 13 a complaint was received, referred and decided, without any statement in regard to the character of said complaint.—1865, p. 553, O. S.

b. Synod of Philadelphia, except that it appears from p. 282 that an appeal and complaint was issued in the usual form without any intimation of what the sentence or proceeding was against which the complaint was made; and that it appears, from p. 273, that another complaint was issued without any record of the proceeding complained of, or of the body whose proceeding was the subject of complaint.—1852, p. 216, O. S.

c. The Synod of Baltimore, except that on pp. 327 and 348 the Synod records the issuing of Judicial Cases "No. 1" and "No. 2," but in neither case is the subject-matter of the complaint recorded.—1885, p. 661.

[NOTE.—See, also, in this *Digest*, pp. 249, 250 and 253.]

II. WHETHER THEY HAVE BEEN CONSTITUTIONAL AND REGULAR.

1. Unconstitutional and irregular proceedings.

a. The Synod of Philadelphia (resolution 3), annuls a sentence of suspension, and in resolution 4 substantially acknowledges the justice of the sentence thus annulled.

The Synod interposes to restore a man to the exercise of the ministry of the Gospel who, they acknowledge, has frequently made representations without due regard to truth and candor. Thereupon

Resolved, That the Assembly direct the Synod to review and amend the record on p. 18, in the case of the appeal from the Presbytery of Donegal. Discipline (Old), Chap. vii, Sec. i, Sub-secs. ii, iii.—1858, reprint, p. 565.

b. The Committee appointed to examine the records of the Synod of Geneva reported, and the book was approved to p. 257, with the following exception, viz.: That the Synod decided improperly in saying that the complaint of D. C. Hopkins was not strictly sustained, while they at the same time say that each and every act of the Presbytery of Onondaga complained of was irregular and improper.—1822, p. 40.

2. A Synod may not institute and prosecute judicial proceedings.

That the proceedings of the Synod of Cincinnati, in the institution and prosecution of judicial process against William Graham, subjecting him first to censure, and afterwards to suspension, under which he now labors, are unconstitutional and irregular, therefore null and void; and that the Synod be, and is hereby enjoined to take constitutional action in the case, and to revise and correct its proceedings accordingly. While the Assembly thus speak on the constitutionality of the matter, they do it without reference to the error or truth of the sentiments he advocated. —1846, p. 31, N. S.

3. A Synod may not refuse to receive the members of its Presbyteries.

a. The records of the Synod of Michigan were approved, with the following exception: That on pp. 137, 138, 139, 140, the Synod declined to receive two members whose names appear on the minutes of two of the Presbyteries, and that the Synod also directed said Presbyteries to strike the names of said members of Presbytery from their roll, one of the members belonging to the Presbytery of Monroe, the other to the Presbytery of St. Joseph.—1849, p. 176, N. S.

[NOTE.—See *c*, p. 684.]

b. The records of the Synod of Indiana approved, with the following exception:

On pp. 157 and 158 the record declares that Synod refused to enroll the Rev. E. B. Smith, because he had made no public contradiction of the fact that his name appears in the public prints as a signer of the Declaration and Testimony, although he privately informed the Stated Clerk of Synod that he had neither himself signed the "Declaration and Testimony," nor authorized any one to sign it for him, as appears from p. 153 of the records.

It seems to the Committee that the Synod should have directed the Rev. Mr. Smith to make a public contradiction before taking further action, because, as the record now stands, it implies that the Synod has

no confidence in his statements. If his statements are unworthy of belief he should be disciplined. The Committee recommend that the Synod be directed to review its action.—1867, p. 357, O. S.

c. Overture on the doings of the Synod of Michigan, the matter of enjoining the Presbyteries of St. Joseph and Monroe to erase the names of Rev. Marcus Harrison and Rev. A. L. Payson from their rolls, was taken up. It was *Resolved*, That the action of the Synod in the premises is unconstitutional.—1849, p. 177, N. S.

4. A superior judicatory may not compel an inferior court to reverse its decision, without assigning specific reasons.

Synod of Pittsburgh. Inasmuch as it is contrary to the spirit and principles of the Presbyterian Church, and subversive of the true design of ecclesiastical discipline, for a superior judicatory to compel an inferior court to reverse its decision, rendered after a full, fair and impartial trial, without assigning and placing on record some specific reason for such reversal,—that the records, so far as they relate to this point in the case, be disapproved.—1874, p. 86.

5. The reasons assigned are subject to review.

The records of the Synod of Kentucky were approved, with the following exception:

On pp. 128 and 129, the Synod except to the action of a Presbytery in approving the Sessional records of a certain church, because of the alleged irregularity of said Session in receiving members into the church on return of certificates alone, after undue length of time, knowledge of such irregularity being brought to the Synod's notice by a protest (Book of Discipline, Old, Chap. ii, Sec. ii). Your Committee recommend that exception be taken to this action of the Synod, because in their judgment the Synod's exception to the Presbytery's action is not well taken; for the reason that it appears to your Committee, from papers placed in their hands, and which ought to have been in the Synod's possession before taking action in the case, that the parties in question had good and sufficient reasons for such delay: being unsettled as to a permanent home, their moral and religious life meantime being well known to all the Session as fully comporting with the requirements of the Gospel of Christ.—1880, p. 79.

[NOTE.—See Book of Discipline, Sec. cxiv.]

6. Censure without due examination condemned.

The records of the Synod of the Pacific approved, with the following exception, viz., that on p. 632 a Committee, appointed to answer a protest, report that they have not had time to examine the authorities referred to, yet proceed to pass severe judgment in the case.—1882, p. 94.

7. No second approval of the minutes necessary.

Overtures from the Presbyteries of Kittanning and Butler, respectively, asking whether it is necessary formally to approve, after they are engrossed, minutes which were approved before they were engrossed? Your Committee recommend that the answer be as follows:

It is the regular custom of our Presbyteries to read all minutes at the close of the session from the original copy for approval, and to record such approval in the minutes themselves. It is usual to read the engrossed copy at the next session of Presbytery for information, and if

clerical errors be discovered they should be corrected by resolution, but no second resolution for the approval of said minutes is or should be required.—1892, p. 188.

[NOTE.—See, also, in this *Digest*, p. 247.]

III. WHETHER THEY HAVE BEEN WISE, EQUITABLE, AND FOR THE EDIFICATION OF THE CHURCH.

1. The lower judicatories must respect the decisions of the superior.

a. The records of the Synod of Missouri were approved, except a resolution on p. 324, viz.: "That the action of the General Assembly in May last, in relation to the political condition of the country, was unscriptural, unconstitutional, unwise, and unjust; and we therefore solemnly protest against it, and declare it of no binding force whatever upon this Synod, or upon the members of the Presbyterian Church within our bounds."—1862, p. 631, O. S.

b. The records of the Synod of Kentucky were approved with the following exception:

That this General Assembly cannot approve the Synod's disapproval of the action of the Assembly of 1861, as recorded in the Synod's minutes on pp. 49 and 50.—1862, p. 631, O. S.

2. Synods censured for insubordination and disrespect.

a. *Resolved*, That this Assembly does not approve the records of the Synod of Missouri; that so much of said records as attempt to declare null and void the previous action of the Synod, which had been formally approved by the Assembly, is an act of insubordination, which said Synod is hereby required to reconsider and reverse; that they report to the next Assembly what they have done or failed to do in the premises and until that time the usual certificate of the Moderator be withheld.*

The remaining portion of the report was then adopted as follows:

On p. 365, where the Synod reaffirm their testimony of November, 1861, with regard to the action of the Assembly of the same year, known as the Spring Resolutions— which testimony declares the action of that Assembly on the state of the country to be "unscriptural, unconstitutional, unwise and unjust; of no binding force whatever on this Synod, or upon the members of the Presbyterian Church within our bounds."

The Committee also recommend that, besides excepting to the record as above stated, the repeated exhibition of such a rebellious spirit, on the part of any inferior court toward the supreme judicatory of the Church, should not pass without censure.—1866, p. 97, O. S.

b. The Committee recommended approval with the following exception: The Synod of Albany claim and exercise the right of disregarding the exceptions to their records by the General Assembly of 1847, which they consider disrespectful and disorderly.—1848, reprint, p. 42, O. S.

c. Finally, the Assembly cannot but express their disapprobation of the concluding paragraph of the memorial of the Synod of Ohio, in which they say, "the Synod consider the judgments entered upon their records against Samuel Lowery in October, 1822, as remaining in full force," etc.

* The next year, the Synod having complied with the requirements of the Assembly, as appeared from an official transcript of its records on the subject read to the Assembly, the Moderator was directed to approve the records of the Synod of Missouri of last year.—1867, p. 316, O. S.

This declaration, notwithstanding the respectful expressions of the Synod, is apparently wanting in the respect due from an inferior to a superior judicatory; and is repugnant to the radical principles of the government of the Presbyterian Church. If an inferior court has authority to declare that its own decisions are in force, after they have been reversed by a superior court, then all appeals are nugatory, and our system, as it relates to judicial proceedings, is utterly subverted. The Assembly are willing to believe, however, that the Synod of Ohio did not mean to set themselves in opposition to the highest judicatory of the Church, and that when they have reconsidered the matter, they will rescind what is so manifestly inconsistent with the principles of the Constitution, which they have bound themselves to support.—1824, p. 116.

3. **Irregularities recited and animadverted on. Complaint will lie against decisions not judicial. Action insufficient and unjust. A member of the court may be called as a witness. Minutes should be approved before adjournment.**

The minutes of the Synod of Cincinnati were approved, with the following exceptions:

a. Exception 1. The dismissal of Complaints Nos. 2, 3, 4, 5; the paper entitled Appeal No. 6 (pp. 345–347); and the complaint of the Rev. Thomas H. Skinner (pp. 441, 442), on the ground that they were not from judicial decisions.

b. Exception 2. That the action of Synod in reference to the case of the Rev. N. West, D.D., against the Rev. B. P. Aydelotte, D.D., was both insufficient and unjust. The action referred to is the first exception to the minutes of the Presbytery of Cincinnati, adopted November 20, 1877, and is as follows: "The Presbytery seems to have gone to the extreme of leniency in being satisfied with Dr. B. P. Aydelotte's explanation of an article published in the *Christian Press* of May, 1876, which Dr. N. West deemed slanderous, and for which he tabled charges against the author. We do not mean to say that judicial process should have been instituted, but we think Dr. Aydelotte should have been exhorted to be more careful in publishing articles capable of so offensive a personal interpretation." The Synod, in view of their own declarations, should either have directed the Presbytery to entertain the charge of Dr. West, or to have adopted a minute declaring him free from the imputations of published articles which they declared capable of an "offensive personal interpretation," especially in view of the complete vindication of Dr. West by the Presbytery a few weeks before (see minutes of the Presbytery of Cincinnati, at Glendale, April 13, 1876).

c. Exception 3. That the action of Synod in reference to the second exception (printed p. 27) is manifestly insufficient and unjust; each action of the Presbytery, if it was as Synod declares it to be, should have called down upon the Presbytery the severest rebuke for malfeasance.

And further, there seems to be no evidence of any kind, on the records of the Presbytery, of any such statements made by Dr. West as are alleged to have been made in Resolution 2 of the Judicial Committee of the Presbytery; and the fact that said resolution was adopted a year subsequent to the time alluded to, and in the absence of Dr. West, and the Synod's own statement that it seems to have been prepared for a

purpose, demand that the said resolution be expunged from the records of the Presbytery of Cincinnati.

d. Exception 4. That the action of Synod in reference to the third exception (printed p. 27) is insufficient and unjust, because the act barely disapproved, involved the subjection of Dr. West, without cause, in a matter of private affliction, to the suspicion of improper conduct, when a Committee of the Presbytery, in a report approved by the Presbytery, had declared themselves satisfied as to the propriety of his conduct. The action of the Presbytery should have been rebuked.

Exception 5. In not sustaining Exception 2 to the minutes (p. 409), in the following words, "Denying to the prosecution the right to introduce members of the court on the spot, without a citation, to disprove and rebut certain testimony of the defence."

Exception 6. In not approving the minutes of the last day of the meeting of the Synod at Cincinnati, February 14, 1878, before their adjournment. Adopted.—1878, pp. 117, 118.

4. The approval of the minutes does not affect the right of appeal or complaint against any action taken.

Overture from Rev. Luther Dodd, a member of the Presbytery of Fort Dodge, asking the General Assembly to reply to the following questions:

1. Does the approval of the minutes of a lower court, as those of a Presbytery by a Synod, not necessarily carry with it an approval of any and every judicial decision recorded in those minutes?

2. Is it competent for a Synod, having approved the records of a Presbytery, to remand a case recorded in those records for new trial, on grounds reflecting censure on the Presbytery?

3. Or would it be proper for a Synod, in a case where they approve the minutes of Presbytery, to require a new trial on any other grounds than alleged new testimony?

The Committee recommended the following reply: The constituted right of appeal, "either from a part of the proceedings of a judicatory or from a definitive sentence," and the right of complaint "respecting a decision by an inferior judicatory," "either before its rising, or within ten days thereafter," cannot be in any way affected by the approval of the minutes of the judicatory, against the action of which the appeal or complaint may be taken. Adopted.—1879, p. 613.

5. The approval of the minutes does not validate all action had.

a. A memorial from the Synod of Minnesota with reference to the relation of the churches of Douglass county, Wis., to the Presbytery of Duluth.

Answer: The approval of the minutes of the Synods of Wisconsin and Minnesota by the General Assembly of 1889 does not make valid the action taken by said Synods in relation to the churches of Douglass county, Wis.—1890, pp. 128, 129.

b. A memorial from the Synod of Minnesota, inquiring whether the approval by the General Assembly of the minutes of Minnesota and of Wisconsin did not carry with it a grant of their petition for a change in the boundaries of the two Synods. Recommended that the inquiry be answered in the negative.—1890, p. 130.

6. Review and control does not extend to statistical items in Session records.

Overture from the Presbytery of Chicago, on the following points:

1. Does the right of "general review and control" extend to the statistical items of baptisms and administrations of the Lord's Supper, inserted for record and convenient reference, in chronological order, between the minutes of actual proceedings?

7. Nor to the agreement of the action of Sessions with Presbyterial rules for Sessions, not warranted by the Constitution.

2. Can the Presbytery pass rules for the conduct of church Sessions, and then take exception to the proceedings of church Sessions that are not according to said rules, when the rules are not prescribed by our Form of Government or Book of Discipline?

Your Committee recommend that both these questions be answered in the negative. Adopted.—1883, p. 631.

8. Action modified or reversed by the reviewing judicatory may be excepted to.

a. The records of the Synod of California were approved except so far as the actions therein recorded have been modified or reversed in Judicial Cases Nos. 5, 6 and 7.—1896, p. 154.

b. Synod of Pennsylvania, except:

1. So much of the record as refers to the West Elizabeth church case (pp. 47, 48), the judgment of the Synod being reversed by the General Assembly (see Judicial Case No. 2, p. 85).—1896, p. 155.

LXXIII. Members of a judicatory, the records of which are under review, shall not be allowed to vote thereon.

Cases cited.

a. A protest signed by a number of members of the Synod of Geneva, against a decision of that Synod, excluding the Presbytery of Geneva from voting on the question, Whether their own records should be attested by the Moderator of the Synod as approved. Your Committee were, however, of opinion that the decision of the Synod was consonant to the prevalent usage of the judicatories of the Presbyterian Church, as well as to the usage of other analogous bodies in similar cases, and that it ought therefore to be approved. Adopted.—1816, p. 611.

b. The records of the Synod of Kentucky approved, except "that the members of the West Lexington Presbytery voted in approbation of their own proceedings, which is deemed to be irregular."—1821, p. 23.

c. The Moderator and elder from the Session of Irish Grove claimed the right to vote on the disapproval of their records; which was refused by Presbytery. The Session complained. The Assembly *inter alia* decide:

That the Presbytery of Sangamon acted correctly in not permitting the members of Irish Grove Session to vote for approving or disapproving their own records.—1851, p. 33, O. S.

[NOTE.—See also, under Book of Discipline, Secs. xc and xcviii.]

LXXIV. In most cases the superior judicatory may discharge its duty, by simply placing on its own records, and on those under review, the censure which it may pass. But irregular proceedings may be found

so disreputable and injurious, that the inferior judicatory must be required to review and correct, or reverse them, and report, within a specified time, its obedience to the order: *provided*, however, that no judicial decision shall be reversed, unless regularly taken up by appeal or complaint.

1 The Assembly may not reverse the judicial acts of a former Assembly, except in case of manifest injustice.

a. This Assembly has no authority to reverse the judicial acts of a former General Assembly, except in cases of such palpable error as would manifestly tend to interfere with the substantial administration of justice. Case of S. Lowry.—1824, p. 115.

b. This Assembly are of opinion that the correct mode of proceeding for the last Assembly would have been to have suspended the decision on the appeal, until the records of the inferior judicatories should have been present, because the rules in our Form of Government prescribe, that before a judgment is given, all the proceedings of the inferior judicatories in the case should be read, and it is a sound maxim, generally admitted in courts of justice, that the best evidence which the case admits of should be required, which in all trials is undoubtedly the record of the judicatory. But while they entertain this opinion of the mode of proceeding, they believe that the decision of the last General Assembly was substantially correct, and was not different from what it would have been if they had had all the proceedings of the inferior judicatories before them.—*Ibid.*

c. A memorial of the pastor and ruling elders of the church of Bloomington, Ill., in respect to the decision of the last Assembly upon the appeal of Dr. T. F. Worrell.

The Committee recommend that this memorial be dismissed, on the ground that it is not competent for this Assembly to revise the proceedings of a previous Assembly in a judicial case.

The recommendation was adopted.—1864, p. 313, O. S.

2. But will correct error when shown to exist.

In the case of the memorial of the Synod of Onondaga (*see Minutes*, 1864, p. 474, N. S.), it was determined *inter alia* as follows:

2. In view of the whole case, your Committee further find that the last Assembly seem to have acted without such a knowledge of all the facts of the case as a regular presentation of the complaint and the record would have given them; and that, therefore, the case is one which justifies the action of this Assembly in relief of the Synod.

3. Your Committee further find that the action of the Synod was scrupulously conformed to the requirements of our Book.

They had the right to send the case back to the Presbytery, or to review the whole of it, according to their discretion. It is not for this court to decide which would have been the wiser course. The Synod judge it best to review the whole case, and their discretion is not a matter of review by this body.

Your Committee, therefore, recommend:

That the requisition of the last Assembly on the Synod of Onondaga be rescinded, and that the case be dismissed.

While the Committee come to this conclusion, they feel constrained

also to express decidedly their disapproval of the language of the Synod, pronouncing the action of the Assembly "unjust and unconstitutional."

The report was adopted.—1864, p. 475, N. S.

3. The Assembly, on memorial, and error proven, revokes its action and remands the case.

Paper No. 3 is a memorial of the Presbytery of Furrukhabad to the General Assembly, dated February 21, 1884, asking that the resolution of the last General Assembly, censuring the said Presbytery, and directing it to reconsider its action in restoring Rev. John S. Woodside to the ministry (see *Minutes*, p. 628, 4), be revoked, and that the case be referred to the Synod of India for final adjudication.

1. Your Committee find that said action was taken upon a complaint of the Presbytery of Saharanpur against the Board of Foreign Missions, for employing Mr. Woodside while under sentence of deposition by said Presbytery of Saharanpur.

2. That the Presbytery of Furrukhabad was not complained of, nor even named or referred to in said complaint.

3. That the Presbytery of Furrukhabad was not notified of the presentation of said complaint, nor was it cited to appear in answer to the same, nor to give reasons for its action; it had no representative in the Assembly, and its records were not before the Assembly or its Committee; the Presbytery, therefore, had no opportunity to defend itself nor to justify its action before the General Assembly.

All the facts in respect to the deposition and restoration of Mr. Woodside took place in India, and the Synod of India, being on the ground, has means and facilities for examining the case and reaching a just and fair decision upon all the merits of the question at issue between the Presbyteries which it is difficult, if not impossible, for the General Assembly to avail itself of; and to that Synod the whole matter should, in the opinion of your Committee, be remitted for determination, subject to final review in a regular way by the General Assembly.

Your Committee, therefore, recommend the following resolution:

Resolved, That the resolution of the last General Assembly (*Minutes*, p. 628, 4), in respect to the action of the Presbytery of Furrukhabad, in restoring John S. Woodside to the ministry, and the direction there given to the Presbytery, be and they are hereby revoked, and that the whole case be and the same is hereby referred to the Synod of India, for its review, examination and adjudication, according to the Constitution of the Church. Adopted.—1884, pp. 108, 109.

4. Exceptions must be recorded by the judicatory excepting.

a. Overture from the Presbytery of Columbus, requesting the Assembly to direct the insertion, in the minutes of this Assembly, of the exceptions taken by the last Assembly to the records of the Synods of Cincinnati, Illinois Central, Indiana North, New Jersey, and Tennessee, as noted on p. 580, *Minutes* of 1877; and further, to direct the Clerks hereafter carefully to observe the constitutional rules in this respect.

The Committee recommend the following answer:

That while the Assembly does not deem it expedient to order the insertion of the exceptions taken to the records of the Synods in question the last year, it calls the particular attention of the Recording Clerks of the General Assembly to the duty of complying with the requirements of the

Book of Discipline (Old), Chap. vii, Sec. i, Sub-sec. 3. Adopted.—1878, p. 27.

b. The records of the Synod of Indiana approved, "except that on p. 342 the records of Greencastle Presbytery are reported as approved, with exceptions, while these exceptions are not spread on the minutes of the Synod, as required by the Book of Discipline (Old), Chap. vii, Sec. i, Sub-sec. 3."—1857, p. 387, N. S.

c. Synod of Wheeling, p. 409. The exceptions to the records of New Lisbon Presbytery are not recorded, in violation of the Book of Discipline (Old), Chap. vii, Sec. i, Sub-sec. 3.—1859, p. 550, O. S.

d. The Synod of Illinois North, except the omission from record of the exceptions to the minutes of the Presbytery of Chicago, which, it is stated on p. 285, were adopted by the Synod. Adopted.—1881, p. 593.

[Note.—See Moore's *Digest*, 1886, p. 665.]

5. Irregular and injurious proceedings censured. Reasons for discipline must be given.

Exception to the records of the Synod of Onondaga. "On p. 186 we find the Synod administering censure to the Presbytery of Cayuga for an act of discipline toward one of its churches on the ground that the reasons for such discipline were not given according to the requirements of our Book of Discipline, yet on the next page we find the said Synod reaffirming the acts of a church censured by its Presbytery, and reversing the decision of the Presbytery, without giving the required reasons for such a singular proceeding."—1863, p. 277, N. S.

[Note.—See, also, under Sec. lxxii, p. 681.]

6. Judicial decisions may not be reversed on review, but must be respected until passed upon by the superior judicatory.

[In a case where the organization of a Presbytery was irregular, see Form of Government, Chap. x, pp. 178 and 189. The Assembly *inter alia* declare:]

a. The Book of Discipline (Old), however, prescribes, Chap. vii, Sec. i, Sub-sec. 4, that "no judicial decision of a judicatory shall be reversed unless it be regularly brought up by appeal or complaint."

The trial of a minister under the circumstances proposed in the overture, must be regarded as any other trial, where there has been informality or irregularity in the citation, or other preliminary stages of the process. The trial, with the judgment based upon it, must be respected, until the Synod, as the superior judicatory, shall judge how far the irregularity vitiates the proceedings, and defeats the ends of justice, and shall annul or confirm the same.—1861, p. 457, N. S.

b. The Synod likewise seems to have erred in censuring as they did the Committee of the Miami Presbytery, and in acting inconsistent with Constitutional Rules (Discipline, Old), Chap. vii, Sec. i, Sub-secs. 2 and 4, by virtually reversing a judicial decision, and this without citing the Presbytery to appear and answer, on the mere review of their records.—1857, p. 45, O. S.

[Note.—See, also, under Sec. lxxii, p. 681; 1874, p. 86; and 1879, p. 613.]

7. On review a Synod is directed to review and correct its proceedings.

With respect to the irregularity of its proceedings, the Assembly directs the Synod of Atlantic to review and correct so much of its pro-

ceedings as were of a judicial character (case of James A. Rainey, 1891, p. 144) in accordance with the provisions of the Book of Discipline, Section lxxiv, care being had, in such correction, to the direction of this Assembly in the matter of the appeal of the Rev. James A. Rainey against the Synod of Atlantic.—1891, p. 188.

LXXV. If a judicatory is, at any time, well advised of any unconstitutional proceedings of a lower judicatory, the latter shall be cited to appear, at a specified time and place, to produce the records, and to show what it has done in the matter in question; after which, if the charge is sustained, the whole matter shall be concluded by the judicatory itself, or be remitted to the lower judicatory, with directions as to its disposition.

[NOTE.—See, Form of Government, Chap. xii, Sec. v, p. 281, and Book of Discipline, Sec. lxxvi.]

LXXVI. Judicatories may sometimes neglect to perform their duty, by which neglect heretical opinions or corrupt practices may be allowed to gain ground, or offenders of a gross character may be suffered to escape; or some part of their proceedings may have been omitted from the record, or not properly recorded. If, therefore, at any time, the superior judicatory is well advised of such neglects, omissions, or irregularities on the part of the inferior judicatory, it may require its records to be produced, and shall either proceed to examine and decide the whole matter, as completely as if proper record had been made; or it shall cite the lower judicatory, and proceed as in the next preceding section.

1. Citation of judicatories on review or on advice.

a. *Resolved*, 1. That the proper steps be now taken to cite to the bar of the next Assembly such inferior judicatories as are charged by common fame with irregularities.

2. That a Special Committee be now appointed to ascertain what judicatories are thus charged by common fame;* prepare charges and specifications against them; and to digest a suitable plan of procedure in the matter; and that said Committee be requested to report as soon as practicable.

3. That, as citation on the foregoing plan is the commencement of a process involving the right of membership in the Assembly; therefore,

Resolved, That agreeably to a principle laid down in Chap. v, Sec. ix, of the Book of Discipline (Old), the members of said judicatories be excluded from a seat in the next Assembly, until their case shall be decided.—1837, p. 425.

II. OF REFERENCES.

LXXVII. A Reference is a representation in writing, made by an inferior to a superior judicatory, of a judicial case not yet decided. Generally, however, it is more conducive to the public good that each judicatory should fulfill its duty by exercising its own judgment.

* "Common Fame" is not recognized by the present Book of Discipline as an accuser. A judicatory can act only when "well advised," *i. e.*, by competent and credible testimony, whether of person or of record. See this *Digest*, p. 635.

1. Reference is voluntary.

Appeal of Mrs. M. J. Browning from a decision of the Synod of Geneva, sustained, *inter alia*,

Because reference is by a lower to a superior court, and is voluntary, and not subject to the order of a higher court. Adopted.—1878, p. 34.

[NOTE.—See Form of Government, Chap. x, Sec. viii, p. 223; complaint of Sewickley church.]

LXXVIII. Cases which are new, important, difficult, or of peculiar delicacy, the decision of which may establish principles or precedents of extensive influence, on which the inferior judicatory is greatly divided, or on which for any reason it is desirable that a superior judicatory should first decide, are proper subjects of reference.

1. References have been entertained, e. g.

a. The Synod of the Carolinas referred to the Assembly the case of Rev. Hezekiah Balch, charged with error in doctrine.—1798, p. 151.

b. The Presbytery of Philadelphia on the propriety of their ordaining to the work of the Gospel ministry a licentiate under their care who now holds the office of a chaplain in the navy of the United States. See Form of Government, Chap. xv, Sec. xv.—1826, p. 171.

c. The Presbytery of Cayuga relative to the constitutionality of a rule of that body. See Form of Government, Chap. x, Sec. viii.—1830, p. 284.

d. The Synod of Philadelphia in relation to the right of Presbyteries to require every minister or licentiate, coming to them by certificate from another Presbytery or other ecclesiastical body, to submit to an examination before he be received.—1832, p. 355.

e. A reference from the Presbytery of West Tennessee, requesting an answer to the two following questions, viz.: "1. What are the nature and duties of the office of deacons? 2. What is the Scriptural and appropriate mode of ordination?" was taken up, and after some discussion committed to Mr. Beach, Mr. Vail and Mr. Hoyt.—1833, p. 393.

f. From the Presbytery of Chenango, asking advice in the case of Rev. Edward Andrews, a member of that body, who had recently withdrawn, and received Episcopal ordination.—1828, p. 239.

2. When the review of a decision without new testimony is desirable, the case should be referred to the next higher judicatory.

The Committee to whom was referred Overture No. 2 made a report, which was read and adopted, and is as follows, viz.:

The Committee appointed to consider and report on Overture No. 2, which is in the following words: "Is it lawful and consistent with the order of our Church for a church court to reconsider and set aside its own decision in a case of discipline, after a lapse of five or six years from the time the decision was made, after the court has so changed that many of its members were not members at the time of the decision, and when no new testimony is proposed?" beg leave to report that, in their opinion, the proper answer to this overture will be found included in the following principles, viz.:

1. Our Book of Discipline (Old), Chap. ix, Sec. 1, provides that if, after a trial before any judicatory, new testimony be discovered, which

is supposed to be highly important to the exculpation of the accused, it is proper for him to ask, and for the judicatory to grant, a new trial.

2. It is very conceivable that after the lapse of five or six years the sentence of an ecclesiastical court, which was originally considered as just and wise, although no new testimony, strictly speaking, has appeared, may in the view of the Church appear under an aspect equivalent to new testimony, and calling for reconsideration; yet,

3. Inasmuch as the frequent reconsideration of cases adjudged by the inferior judicatories, without the appearance of new testimony, admits of great and mischievous abuse, and might lead to an endless recurrence of reviews and reversals of former decisions, in the absence of a majority of the court pronouncing the same; it is evidently more regular, safe and for edification, when a review of a decision, without the disclosure of new testimony, is thought desirable, to refer the case to the next higher judicatory.—1833, p. 405.

LXXIX. References are, either for mere advice, preparatory to a decision by the inferior judicatory, or for ultimate trial and decision by the superior; and are to be carried to the next higher judicatory. If for advice, the reference only suspends the decision of the inferior judicatory; if for trial, it submits the whole case to the final judgment of the superior.

1. Reference. Disposal of the Barnes Case.

The Permanent Clerk announced to the Assembly that there had been put into his hands a reference from the Presbytery of Philadelphia of the whole case of the Rev. Albert Barnes before that body. This case was referred to the Judicial Committee.—1831, p. 321.

Against the reference above a complaint was entered, as also a complaint against the action of the Presbytery in the case. After the whole proceedings of the Presbytery had been read, and the sermon entitled "The Way of Salvation," the parties then agreed to submit the case to the Assembly without argument, when it was resolved to refer the whole case to a select Committee. Dr. Miller, Dr. Matthews, Dr. Lansing, Dr. Fisk, Dr. Spring, Dr. J. McDowell, Mr. Bacon, Mr. Ross, Mr. E. White, Mr. Jessup and Mr. Napier were appointed this Committee. —1831, p. 325.

Subsequently, the Committee to whom was referred the whole case in relation to the Rev. Albert Barnes made a report, which being read was adopted, and is as follows, viz.:

That after bestowing upon the case the most deliberate and serious consideration, the Committee are of the opinion that it is neither necessary, nor for edification, to go into the discussion of all the various and minute details which are comprehended in the documents relating to this case. For the purpose, however, of bringing the matter in controversy, as far as possible, to a regular and satisfactory issue, they would recommend to the Assembly the adoption of the following resolutions, viz.:

Resolved, 1. That the General Assembly, while it appreciates the conscientious zeal for the purity of the Church, by which the Presbytery of Philadelphia is believed to have been actuated in its proceedings in the case of Mr. Barnes; and, while it judges that the sermon by Mr. Barnes, entitled "The Way of Salvation," contains a number of unguarded and objectionable passages, yet is of opinion that, especially

after the explanations which were given by him of those passages, the Presbytery ought to have suffered the whole to pass without further notice.

Resolved, 2. That in the judgment of this Assembly, the Presbytery of Philadelphia ought to suspend all further proceedings in the case of Mr. Barnes.

Resolved, 3. That it will be expedient, as soon as the regular steps can be taken, to divide the Presbytery in such way as will be best calculated to promote the peace of the ministers and churches belonging to the Presbytery.

With respect to the abstract points proposed to the Assembly for their decision in the reference of the Presbytery, the Committee are of the opinion that if they be answered they had better be discussed and decided *in thesi* separate from the case of Mr. Barnes.

The Judicial Committee reported that the other complaints and the reference in relation to the case of Mr. Barnes, they considered as merged in the report just adopted. This report was accepted.

The Assembly, having finished the business in relation to Mr. Barnes, united in special prayer, returning thanks to God for the harmonious result to which they have come; and imploring the blessing of God on their decision.—1831, p. 329.

2. When reference has been made the judicatory referring can regain jurisdiction only by the action of the superior judicatory.

In the case of the appeal of James W. Hamilton against the Synod of Sandusky (1863, p. 36, O. S.), the following report was made by the Judicial Committee:

"When this case was first before the Session, the Session being composed of the Moderator and one ruling elder, the Moderator, as appears from the minutes, 'waived his right to sit in judgment on the case;' but an order was then made that the Session then proceed to take the testimony in the case, and submit the same to the Presbytery at its next meeting."

The testimony having been taken, the whole case, charges and evidence, were then accordingly submitted and referred to the Presbytery. The action of the Presbytery was to the effect "that the case be not issued before Presbytery." But the Presbytery directed that "the accused be admonished to give none occasion for evil to be spoken of his character; to look more carefully to his conduct, and walk more uprightly, as becometh the Gospel;" and recommended the minister of the church to read said action before the congregation; which duty was performed on the 25th day of August, 1861.

After this, on the 7th day of September following, the Session, without notice to the accused, and without giving him an opportunity to be heard, proceeded to give judgment on the charges and evidence as originally before the Session and Presbytery.

The case, having been submitted to Presbytery, passed from the possession and proper jurisdiction of the Session, and Presbytery alone could again give the Session such jurisdiction, by reference back to the Session. This was not done. Even if the case had been in some proper way referred back by Presbytery to the Session the accused was entitled to notice of any further proceedings before the Session, and especially so of any new matter of accusation.

The Presbytery, although, in terms, they did not "issue the case," did substantially make a decision, and by that decision subjected the accused to a mortifying public admonition, which was carried into effect, as directed by the Presbytery.

The Session, in afterwards giving judgment on the charges, in effect subjected the accused a second time to discipline on the same charges. This is not allowable. If the accused, since he was publicly admonished, as directed by the Presbytery, has been guilty of offences, or disorderly conduct, he should be tried for the same on proper charges and notice.

Resolved, That for the informalities and errors above mentioned, the appeal be and is hereby sustained, and all proceedings in the case, by the Session, Presbytery and Synod, since the admonition before the congregation, on the 25th of August, 1861, are hereby annulled and set aside. MS. indorsement on records of Synod of Sandusky, 1863.—1863, p. 36, O. S.

3. Reference must be carried to the next higher judicatory.

[NOTE.—Under the former Book, references were allowed from the lower courts to the Assembly. See *Digest*, 1873, p. 546; this Sec. lxxix forbids.]

LXXX. In cases of reference, members of the inferior judicatory may sit, deliberate, and vote.

LXXXI. A judicatory is not necessarily bound to give a final judgment in a case of reference, but may remit the whole case, either with or without advice, to the inferior judicatory.

1. A memorial treated as a reference.

The Committee appointed to draw a minute on the subject of the memorial from the Session of the First Church in Genoa, reported the following, which was adopted, viz.:

Resolved, That the church of Genoa be referred to the minute of the Assembly formed in the case of David Price in the year 1825; from which it will appear that, in the judgment of the Assembly, "an admonition" was "deserved" by the said Price, in consequence of his unchristian conduct. And it is the judgment of this Assembly that the Session ought immediately to have administered such admonition; that they ought still to administer it; and that if the said Price refuse to submit to such admonition, or do not thereupon manifest repentance and Christian temper, to the satisfaction of the church, he ought not to be received into the communion of that or any other Presbyterian church. —1827, p. 202.

LXXXII. The whole record of proceedings shall be promptly transmitted to the superior judicatory, and, if the reference is accepted, the parties shall be heard.

1. Testimony attested by the Moderator and Clerk sufficient.

The following question, signed by William C. Davis, "Whether testimony taken before a Session, and sent up to the Presbytery under the signature of Moderator and Clerk, will not be sufficient in references as well as appeals to render the case thus referred both orderly and cognizable by Presbytery," was answered in the affirmative. —1797, p. 128.

2. A superior judicatory may entertain a reference which is not accompanied by the testimony and proceed itself to take it.

The records of the Synod of Kentucky approved, "with one exception, viz.: According to the record on p. 66, the Synod taught and acted on the principle that a Presbytery acts irregularly, which, upon the reference of a church Session, takes the testimony and issues the case according to its bearings, even when the parties concerned agree to the reference. Your Committee are of opinion that this principle is wrong in itself, and evil in its tendency, and therefore recommend this Assembly to express its disapprobation of it."—1853, p. 455, O. S.

In reply to a protest against this decision, the Assembly says:

The action condemned is not "in exact accordance with the Constitution, Discipline (Old), Chap. vii, Sec. ii, Art. ix," as asserted by the protestant; the article referred to containing a rule designed to facilitate business, but, as its language shows, it does not preclude a Presbytery from taking original testimony in certain cases, and it does not appear from the records that the Presbytery of Muhlenburg was irregular in so doing.—1853, p. 456, O. S.

III. OF COMPLAINTS.

LXXXIII. A Complaint is a written representation, made to the next superior judicatory, by one or more persons, subject and submitting to the jurisdiction of the judicatory complained of, respecting any delinquency, or any decision, by an inferior judicatory.

[NOTE.—Under the practice prior to 1884, complaints, as well as appeals, were carried over the next superior judicatory, when satisfactory reasons were assigned. See under Appeals, Book of Discipline, Sec. cii. Under the head of "Person or Persons" the judicatories of the Church are included. In 1885 the words "or by any other reputable person or persons" were stricken out.—1885, p. 602.]

1. Complaints by judicatories.

Complaints were entertained:

a. Of the Presbytery of Washington, O., against the Presbytery of West Lexington.—1821, p. 21. [These Presbyteries belonged to different Synods.] See also 1828, p. 237.

b. Of the Third Presbytery of Philadelphia against the Presbytery of Luzerne. . . . . Brought before the Assembly, because of these Presbyteries having had no common Synodical relation.—1870, p. 27.

[NOTE.—Such cases would now be adjudicated under Book of Discipline, Sec. cxxi–cxxiii.]

c. Of the General Synod of the Reformed Church in America against the Presbytery of Philadelphia.—1874, pp. 62–64.

d. Of the Presbytery of Saharanpur of the Reformed Presbyterian Church against the Board of Foreign Missions of the Presbyterian Church.—1883, pp. 628, 629; 1884, p. 108.

[NOTE.—The following decisions, under the head of Complaints, are cited. Some of them, it is probable, do not conform to the present section. But all are of value, as showing the practice of the Assembly. The decisions under them, as a rule, are not affected by the changes in the Book. Cases c. and d. would be adjudicated under Form of Government, Chap. xii, Sec. v, p. 281]

2. The distinction between an appeal and a complaint must be observed.

The records of the Synod of Utica were approved, with the exception that, on p. 275, the Synod recognizes a reference to them as an appeal

which should have been considered and acted on merely as a complaint against, and not as an appeal from, the decision of Presbytery concerning the settlement of a pastor.—1843, p. 22, N. S.

3. The same matter may be the subject both of appeal and complaint.

The question was taken on sustaining the appeal and complaint (of the Second Presbytery of Philadelphia against the Synod of Philadelphia). A division being called for, the question was first taken on the complaint. Sustained. The question was then taken on the appeal. Sustained.—1834, p. 431.

4. Complaint not allowed against a judicatory for obeying the orders of the superior judicatory.

a. *Whereas*, The Rev. Archibald McQueen prosecuted a complaint before the Assembly of 1845 against the Presbytery of Fayetteville for refusing to restore him to the exercise of the Gospel ministry, and did at the same time memorialize that Assembly to decree his restoration; and whereas, that Assembly did take up and judicially entertain the said complaint, and pronounced judgment in the case by authorizing and recommending the Presbytery to restore the said Archibald McQueen to the Gospel ministry, provided that in the judgment of the Presbytery it was wise so to do; and whereas the Presbytery, in the exercise of the discretion thus confided to them, did restore Mr. McQueen; therefore,

Resolved, That the complaint of the Rev. Colin McIver and others against the Synod of North Carolina, for having sustained the action of the Presbytery of Fayetteville in restoring the said Archibald McQueen, in accordance with the judicial decision of the Assembly of 1845, cannot be entertained by this house, and is hereby dismissed.

In making this disposition of the above-mentioned complaint, this General Assembly wishes it to be distinctly understood that they do not mean either to retract or modify any judgment hitherto expressed by any Assembly respecting the offence for which Mr. McQueen was suspended from the exercise of the Gospel ministry. They simply declare that his case cannot be regularly brought before them by this complaint.—1847, p. 395, O. S.

b. The complaint of Mr. Alexander Cowan against the Presbytery of Sidney is not sustained, the Presbytery having acted entirely in accordance with the directions of the Assembly of 1867.—1868, p. 641, O. S.

5. Complaint not allowed against advice given on memorial.

The complaint of members of the Park Church, Newark, N. J., against the Synod of New York and New Jersey, was dismissed, on the ground that the action of the Presbytery was not a subject-matter of complaint, or removal of the case to a higher judicatory, their proceedings having been merely advisory upon the memorial of the complainants.—1852, p. 166, N. S.

6. Complaint not allowed against a refusal to adopt a proposed paper.

The Judicial Committee having had under consideration the appeal and complaint of the Rev. Robert J. Breckinridge, D.D., and others, against a decision of the Synod of Philadelphia on the quorum question;

and the appeal and complaint of the Rev. R. J. Breckinridge, D.D., and others, against a decision of the Synod of Philadelphia on the question of the imposition of hands in ordination, report, that in their opinion the Form of Government and Discipline of the Presbyterian Church do not authorize the appellants and complainants to bring before the General Assembly either an appeal or complaint in the cases referred to. Adopted.—1844, p. 366, O. S.

[NOTE.—Against this decision a protest was entered. See Baird's *Digest*, rev. ed., p. 145, and *Minutes*, 1844, p. 380. In answer the Assembly reply *inter alia*:]

In replying to the protest in question, little more is necessary than to state distinctly what was the action of the Synod of Philadelphia, complained of by R. J. Breckinridge and others. Two papers were offered by Dr. Breckinridge for the adoption of the Synod; the one relating to the constitution of a quorum in Presbytery, the other to the imposition of hands by ruling elders in the ordination of ministers of the Gospel. In relation to each paper, the question on which the Synod voted was in the following words: "Shall this paper be adopted?" By a large majority the Synod refused to adopt these papers. The Assembly know of no law in our Book of Discipline requiring a Presbytery or a Synod to adopt any paper or papers submitted to them by any individual or any number of individuals; and if there is no such law, there could be no transgression of law or neglect of duty, and consequently no ground of complaint.

The papers in question condemn the interpretation of certain clauses in our Constitution, given by the last Assembly, propose an opposite interpretation, and overture the General Assembly to repeal the overtures adopted by the last Assembly, and to adopt interpretations of an opposite character. In regard to these papers, it is proper to remark:

1. There was no case before the Synod. No elder complained that he had been deprived of what he regarded as a constitutional right. No Presbytery was charged with having constituted and proceeded to business without a constitutional quorum. The Synod, therefore, was not called upon to administer law, but to interpret our Constitution—to decide constitutional questions *in thesi*. How far it is expedient to give expositions of our Constitution, or to decide constitutional questions *in thesi*, it may be difficult to determine; but certain it is that no church judicatory is bound, in any state of case, to give such decisions. But "where there is no law, there is no transgression," and, of course, there can be no ground of complaint. The protestants allege that the Synod did act, and that their action was complained of. The answer is, that the only action of the Synod in the case was a refusal to adopt certain papers offered by a member of that body. To this action, if it be proper to call it so, the Synod was forced by the member who offered the papers. They were obliged either to adopt them or to refuse them. They deemed it wise, as they had the perfect right, to do the latter.

2. Again: these papers, if adopted, required the Synod to send to this Assembly an overture or request to give an interpretation of our Constitution contrary to that given by the last Assembly. But, although it is the right of Sessions, Presbyteries or Synods to overture the Assembly whenever they may deem it wise to do so, there is in our Book no law requiring them or any one of them to do so in any case. In declining to send up an overture, therefore, the Synod of Philadelphia violated no

law, committed no transgression against ecclesiastical law, and consequently a complaint against that body cannot lie. The very idea of forcing either individuals or bodies to overture or petition is absurd.

But the protestants strangely contend that "every inferior court is responsible to the courts above it for the proper exercise of its discretion, and therefore they may be complained of as regards its exercise." Where there is responsibility there can be no discretion. To maintain the contrary is to contend that an individual or a body may use their discretion, provided they use it in a certain way—that they may do as they please, provided they are pleased to act in a particular manner. The truth is, that where ecclesiastical rights of individuals or bodies are concerned, there is no discretion. All such rights are guarded by our Constitution, by which every church court is bound. The admission of the protestants that the Synod had the right to exercise its own discretion in the matter complained of is, in effect, an admission that the complaint is not legitimate, and ought not to have been entertained by this body.

Still more strangely, if possible, the protestants allege that "if the Synod be not obliged to act except in cases in which it is compelled by positive law, then Synods could not be complained of for even the grossest violations of duty, such as refusing to receive and issue appeals brought regularly before them, or refusing to redress what has been done by Presbyteries contrary to order." Do they, then, maintain that it is merely discretionary with Presbyteries and Synods whether they will receive and issue appeals, etc., regularly brought before them, as they admit it was with the Synod of Philadelphia, whether they would condemn the doings of the last Assembly and overture this Assembly to do the same? But they say "there is no positive command or law requiring Synods to exercise any of their specified powers." To prove that this statement is wholly incorrect, it is necessary only to refer to Chap. vii. Secs. i, iii and iv. of our Book of Discipline (Old). Sec. i treats of the duties of church judicatories in relation to review and control: Secs. iii and iv treat of the right to appeal and complain in certain cases, etc. Where there are duties there can be no discretion, and where there is a right to appeal and complain there is positive obligation on the part of the judicatory to receive and issue such appeals and complaints. But where, in our Constitution, is it said to be the duty of any church judicatory either to adopt papers that may be offered, to decide constitutional questions *in thesi*, or to overture a higher court? Or where is the right given to individuals in any case to have their interpretations of our Constitution adopted? There are no such duties on the one hand or rights on the other, and consequently, no right of appeal or complaint.

3. An additional objection to the appeals and complaints is that, were they entertained, the Synod of Philadelphia would, in the final vote, be excluded from voting. This, in the administration of law, where the inferior court has decided the case, and the appeal or complaint is against their decision, would be perfectly proper. But in the mere interpretation of our Constitution, in regard to which all have a common interest, and, therefore, common rights, such a course would be unconstitutional and grossly unjust. The Synod of Philadelphia, if the complaints had been entertained, would have been excluded, as having decided the questions involved. But the Synod of Kentucky has also given its decisions of the same questions. Why, then, should the one vote and the other be excluded? Nay, it is believed, that a large majority of the members

of this Assembly have, in one form or another, decided upon them. Why, then, permit them to vote, and exclude the Synod of Philadelphia? What interest has this Synod more than other Synods or Presbyteries, in giving a wrong exposition of our Book? When we interpret our Constitution, the voice of the whole Church should be heard.

But the protestants say, this is an argument against our Constitution. In this, however, they are mistaken. It is only an argument against their incorrect interpretation of it. It gives no right to appeal or complain against a judicatory for declining to decide a constitutional question *in thesi*, or to overture the higher court.

4. That the complaint is illegitimate, is further evident from the consequences which would follow the adoption of the principle involved in it. If our church courts are bound, in any case, to decide constitutional questions *in thesi*, and to overture the higher court, it follows:

(1) That any member of a Session, Presbytery or Synod can, at any time, force the Assembly to discuss and decide, *in thesi*, any constitutional question he may choose to raise, or any number of them. He has only to offer his interpretation to the lower court, and come up with his complaint, which must be regularly issued.

(2) The Assembly can be forced to discuss and decide the same question repeatedly at the same session. The minority of the Synod of Kentucky might have complained of its action on the same points; and, according to the doctrine of the protestants, the Assembly must have regularly tried both complaints, regularly hearing the parties from both Synods discuss the same points, not in relation to the administration of law, where both parties claim to have been aggrieved, but in relation to the interpretation of law.

(3) The Assembly could be forced to decide great constitutional questions by only a part of the delegates from the Presbyteries, thus excluding a large number of Presbyteries from a vote on the interpretation of the Constitution by which they are to be governed.

(4) The Assembly, by the exclusion of different Synods, in deciding the different complaints, might be placed in the humiliating attitude of giving contradictory expositions of the Constitution at the same sessions.

Who will pretend that our Constitution is so defective, so strangely inconsistent, as to expose our church courts to difficulties and absurdities such as those just mentioned?

In answer to the third reason assigned by the protestants it is sufficient to state, that it has not been, and we believe it cannot be proved, that any General Assembly of our Church ever entertained a complaint such as the one in question—a complaint against a church judicatory for refusing to decide a constitutional question *in thesi*, or to overture a higher judicatory. The complaint under consideration is, so far as this Assembly is informed, strictly *sui generis*.

Finally, our Constitution prescribes the mode in which constitutional questions may be brought before the General Assembly. The proper course was pursued by the Presbytery of Cincinnati in regard to the matters embraced in Dr. Breckinridge's papers; and they were brought before this body untrammeled by judicial proceedings, and the voice of the representatives of the Church decided on the true meaning of the clauses in our Constitution concerning which there has been a difference of opinion.

In reply to the complaint of the protestants, that the Assembly refused

to hear the complainants on the right of jurisdiction, it is sufficient to say: (1) That it cannot be shown that our Book gives such rights. (2) The adoption of the principle involved in such a claim would be followed by most of the difficulties already enumerated as consequent upon entertaining the complaint. The Assembly must, from year to year, agree to hear every member of a Session, Presbytery or Synod, who may choose to try to convince them that they have jurisdiction over all kinds of subjects. (3) There was properly no question as to right of jurisdiction. The matter of complaint against the Synod belongs not to the department of discipline.

In reply to the complaint of the protestants that the Assembly did not sit as a court, and that the members were not charged by the Moderator, it is sufficient to state, that as the Assembly could not sit in a judicial capacity until the complaint was decided to be orderly and legitimate, the objection is wholly without force.

The protestants think the course pursued by the Assembly calculated to foster all kinds of diversity in practice and opinion. They seem not to see, that the course pursued by the complainants and by themselves, in relation to the decisions of the highest court of our Church, to which it properly belongs to expound the Constitution and settle all controversies, is directly calculated to produce the very result they seem to deprecate.—1844, p. 383, O. S.

[NOTE.—This answer was prepared by Drs. James Hoge, John McClean, C. C. Cuyler, B. H. Rice and Henry A. Boardman. It is of great value, as defining the rights of complainants, and also the limits of the exercise of those rights.]

7. Complaint not allowed against an opinion expressed by the superior judicatory.

A complaint of the Presbytery of St. Clairsville against the Synod of Wheeling, for taking exception to their minutes on the ground "that their entire action in the case of the church of Kirkwood was unwise and inexpedient."

The Committee recommend that this complaint be dismissed, on the ground that in the action complained of, the Synod passed no judgment in the case, but only expressed an opinion, and that there is therefore no constitutional ground for complaint. [See Book of Discipline (Old), Chap. vii, Sec. iv, Sub-sec. ii.] The report was adopted.—1864, p. 312, O. S.

8. Nor against a judicatory for the exercise of its discretion.

The complaint of the Rev. W. P. Carson against Synod of Iowa for dismissing his complaint against the Presbytery of Dubuque. The Presbytery, upon application both of the pastor and the congregation, dissolved the pastoral relation, and Mr. Carson complained to Synod, on the ground that the Session and trustees united in calling the meeting of the congregation without the presence or coöperation of the pastor, at which action was taken asking for the dissolution of the pastoral relation. The Committee recommend that the complaint be dismissed, there being no sufficient ground of complaint.

The report was adopted.—1868, p. 612, O. S.

9. Discretion is reviewable as to its abuse or misuse.

a. Complaint of Rev. Arthur Crosby *vs.* The Synod of Long Island. Dismissed for the following reasons, viz.:

[NOTE.—See in full, under Sec. xii, p. 638.]

1. That upon the facts stated by the Presbytery as the basis of its action, the question whether the investigation asked for should be entered upon or not was one to be determined in the exercise of a sound discretion.—Book of Discipline (Old), Chap. iii, Sec. vi.

2. That while the misuse or abuse of discretionary power is reviewable, its use, in this instance, seems to have been in regard to a subject fairly within its range and unobjectionable in its manner.—1881, p. 586.

b. The complaint of the Rev. Samuel M. Gould against the action of the Synod of Philadelphia. The action complained of was taken on the petition of A. Bancroft, who signs himself "a member of the Session of the original Hermon church," and asks the Synod "to investigate the condition in which Hermon church has been placed" by several acts which are recited in the petition. The petition of Mr. Bancroft was presented to the Synod at its sessions in October, 1881, and denied on the ground that the matter had been adjudicated in the various courts of the Church. The Judicial Committee are unable to find, from the complaint, that the decision of the Synod affects the doctrine or the Constitution of the Church; nor can they find, in the statement of the action of the Synod, anything which was not within their discretion; and therefore no case is presented which the Assembly can properly entertain and review. We recommend that the case be dismissed, and the Committee be discharged from its further consideration. Adopted.—1882, p. 100.

c. Appeal and complaint of the Rev. Mr. Edgar from the action of the Synod of Erie, sustaining the action of the Presbytery of Clarion in refusing to put a call from the church of Collingsburgh into his hands. The Judicial Committee recommend that, as the General Assembly have repeatedly decided that Presbyteries have discretionary power in such cases (see *Digest*, 1886, p. 548), which decisions are clearly in accordance with the Form of Government (see Chap. xv, Sec. ix), therefore the appeal and complaint be dismissed. Adopted.—1875, p. 510.

10. Complaint not allowed in a case already decided by the Assembly.

The complaint of James Russell against the Presbytery of Flint River and the Synod of Georgia.

The Committee report that the case has already been adjudicated by the General Assembly in Philadelphia, in the sessions of 1853, and cannot properly come again before this body; and therefore recommend that the case be dismissed, and the papers be returned to Mr. Russell. Adopted. —1855, p. 271, O. S.

11. Nor against a decision of a Moderator unappealed from at the time.

Complaint of the Session of the First Presbyterian church, St. Charles, Mo.

A complaint of Rev. Robert P. Farris against the Synod of Missouri.

These two cases are substantially identical, and may be regarded as one. The Committee find that in the matter complained of there was no action of the Synod as such, but only a decision of the Moderator affecting the complainants, from which they made no appeal to the body of the Synod, and consequently they have no just ground of complaint. They therefore recommend that it be dismissed, and that the complainants have leave to withdraw their papers. The report was adopted. —1865, p. 543, O. S.

12. Nor from the decision of a commission not yet confirmed.

The Judicial Committee, through Rev. Samuel Miller, D.D., reported the appeal of the church of Mifflinburg against the Synod of Philadelphia for its action in the matter of the appeal and complaint of the Rev. Isaac Grier.

The Committee reports that this complaint must be dismissed because no complaint will lie from the decision of a Commission of Synod until that decision has been reported to Synod and approved thereby. The Committee therefore recommends that the Assembly direct the Commission in this case to report its decision to the Synod for its action. The report was adopted.—1869, p. 902, O. S.; 1862, p. 608, O. S.

[NOTE.—See Book of Discipline, Sec. cxx.]

13. Nor where the action complained of does not contravene the doctrine or the Constitution of the Church.

a. The Rev. James H. Baird complains of the action of the Synod of Pennsylvania at its recent meeting in the Central church, Allegheny, in adopting the eighth resolution on the subject of temperance in the following words, viz.: "We endorse Constitutional Amendment and pray for its submission to the people."

The Committee submit that, in its judgment, the subject-matter of the complaint does not contravene the doctrine or the Constitution of the Church, and therefore recommend that the complaint be not entertained. Adopted.—1887, p. 128.

b. Judicial Case No. 2.—The complaint of Oakland church against the Synod of Tennessee. The complaint is as follows: The Presbytery of Holston recommended that Mount Bethel and Tusculum churches coöperate or group together for the purpose of sustaining preaching at those two points, and did recommend them, as thus grouped, to the Board of Home Missions for aid. Of this Oakland church complained to the Synod, alleging that the effect of this action would be to withdraw families from Oakland church. The Synod overruled the complaint. Of that action of Synod, Oakland church complains to the General Assembly. Your Committee recommends that the complaint be dismissed, because it is a case in which the Assembly has no jurisdiction, having regard to matters which refer neither to constitutional nor doctrinal questions (see Chap. xi, Sec. iv, Form of Government). The report was adopted.—1888, p. 77.

c. The report of the Judicial Committee, in the case of Rev. N. West against the Synod of Minnesota, was read. Mr. West was heard on the question of the constitutionality of the appeal. The report was adopted, and is as follows:

The Judiciary Committee, to which was referred the appeal of the Rev. Nathaniel West, from the action of the Synod of Minnesota, and his complaint of the same action, respectfully submit the following report:

A brief statement of the facts as they have been made to appear to your Committee is all that is needful for understanding the merits of the case. On the 21st of April, 1887, the Presbytery of St. Paul adopted the following resolution:

Resolved, That all duties, authority and relations of Dr. West to said church (the First Presbyterian Church of St. Paul), by virtue of any authority of this Presbytery, or its constituted commission, are hereby terminated.

From this action Dr. West appealed to the Synod.

It is manifest that this appeal presented in no sense a judicial case, such as is intended by the ninety-fourth section of the Book of Discipline. It was not therefore, appealable to the Synod. It could be brought into the Synod only by complaint. It was a case of administration merely. The Synod treated it as such, and disposed of it by resolving that the appeal be not entertained as such, since this is not a judicial case. (Hodge's *Presbyterian Law*, p. 131: "Judicial business is any act of discipline, but especially the formal trial of an accused person, and appeals are admissible only in judicial cases." Referring to Revised Book of Discipline, Chap. ix, Sec. iv, Art. xciv.)

In thus disposing of the case your Committee discover no error. Moreover, it is plain that the action of the Synod did not, in any sense, affect, or have relation to the doctrine or Constitution of the Church. The Assembly has no jurisdiction of any appeal from, or complaint of, the action of the Synod. Complaint and appeal in such a case are alike prohibited by the fourth section of the eleventh chapter of our Form of Government, which declares that the decisions of Synods on appeals, complaints and references, which do not affect the doctrine or Constitution of the Church, shall be final.

Your Committee therefore recommend that the appeal and complaint of Dr. West be dismissed.—1888, p. 124.

14. Nor where there is no sufficient ground for complaint.

Complaint of J. L. Woods and F. E. Shearer *vs.* The Synod of California, for refusing to take exception to the records of the Presbytery of San José.

Your Committee recommend that the complaint be dismissed: Because there does not appear to be any sufficient ground on which to lodge a complaint; and because the complainants should more properly have sought redress in the matter complained of by way of review and control.—1894, p. 127.

15. Nor where the complainant is not subject and submitting to the jurisdiction of the judicatory complained of.

Judicial case, a complaint of the Presbytery of La Crosse against the Presbytery of Mattoon and the Synod of Illinois, in the case of the Rev. J. H. Lish.

The Judicial Committee find that the complaint is not in order, for the reason that due notice has not been given to the Synod of Illinois, and that the Presbytery of La Crosse, not being subject and submitting to the jurisdiction of the Presbytery of Mattoon or the Synod of Illinois, has not the right of complaining against them (Book of Discipline, Sec. lxxxiii), and that the complainant should seek redress by way of overture, memorial or petition.—1894, p. 127.

[Note.—See, however, in this *Digest*, No. 1, p. 697, and Book of Discipline, Sec. cxxi.]

16. Nor in a case of mere review of records.

In the case of the complaint of Nathaniel West and Thomas H. Skinner against the Synod of Cincinnati, in a case of review and control, the Committee recommend that, it being a question of mere review of records, a judicial complaint does not lie, and that the case be dismissed.—1877, p. 576.

17. Nor against the refusal to read the printed minutes.

Case of Rev. J. W. Martin *vs.* the Synod of Cleveland:

Mr. Martin complains of a suggestion of the Moderator, sustained by vote of the Synod, that the minutes of the previous session need not be read at the beginning of the sessions in October, 1872, because they had been printed and were in the hands of the members; also that the Moderator refused to hear him speak against this action, and requests the Assembly to express a judgment respecting the authority of Moderators and Church courts under our Book. The Committee find that the minutes of the previous session had been read and approved by the Synod at the close of that session, and therefore would have been read only for information, which was already in possession of the members in the printed copies; that they have no proof that the complainant was unjustly treated by the Moderator, beyond what often occurs in such cases; and that our Book of Discipline very definitely states the authority and province of Moderators. Therefore, we do not deem the case of sufficient importance to require the action of the Assembly. Adopted.—1873, p. 509.

[NOTE.—See under Book of Discipline, Sec. lxxii, p. 684.]

18. Nor against postponement of action on a report of a Committee.

In the case of Thomas H. Skinner and others against the Synod of Cincinnati for not taking up and issuing a complaint of Dr. Skinner against the Presbytery of Cincinnati in the McCune case, then pending, the Committee recommend that, as there had been no judicial action of the Synod in the case, against which a complaint could lie, but simply and only a postponement of action on a report of the Judicial Committee of the Synod, therefore the case be dismissed. —1877, p. 576.

19. Complainant has leave to withdraw with or without reasons.

a. The complaint of Alexander Guy, M.D., against the action of the Synod of Cincinnati.

The complainant, Dr. Guy, having reason to believe that the language employed by the Synod, in determining the case, was inadvertently used, is on this account willing to withdraw his complaint. The Committee recommend that leave be granted, and that Dr. Guy be allowed to withdraw his papers.

The report was accepted and adopted.—1867, p. 331, O. S.

b. The complaint of the Rev. S. J. Niccolls and others against the action of the Synod of Missouri, passed at its sessions in October, 1865, whereby it declared the previous meeting of its own body "not a free court of Christ, and its entire acts null, void and of no binding force."

This complaint was found in order, and referred from the last General Assembly to this; but inasmuch as the Synod has reconsidered and reversed the action complained of, and reported the same to this General Assembly, in accordance with the requirement of the last Assembly, passed with reference to the Synod of Missouri, the complainants request leave to withdraw their complaint. Your Committee recommend that their request be granted, and the case dismissed. Adopted.—1867, p. 331, O. S.

c. The appeal and complaint of D. W. Irvine and others against the action of the Presbytery of New Castle. The Committee, having satisfactory evidence that the ground of the appeal and complaint in this case

has been removed by the subsequent action of the Presbytery complained of, recommend that the appeal and complaint be dismissed without prejudice. The report was adopted.—1867, p. 327, O. S.

d. A complaint of certain members of the Session of the church of Eaton, O., against the Synod of Cincinnati.

The Committee recommend that the complainants have leave to withdraw their complaints without prejudice, and that they be advised to present the same to the Synod of Cincinnati.—1871, p. 547.

e. A complaint by John C. Means and others against the Synod of Illinois. The complainants having requested leave to withdraw their complaint, the Committee recommends that their request be granted. Adopted.—1891, p. 143.

f. The complaint of Rev. J. D. Robertson against the Synod of Pennsylvania. The Committee recommend that the complainant, having asked leave to withdraw his papers, be allowed to do so. Adopted.—1895, p. 69.

20. Withdrawal of complaint may have the same effect as its dismissal.

The Judicial Commission to whom was referred the complaint of the Rev. John W. Martin against the Synod of Philadelphia in the matter of the Hermon church, reported that after the announcement of their decision in Case No. 1, the complainant, by his counsel, the Rev. Robert Herron, D.D., asked leave to withdraw his complaint, which was granted; and the Commission adjudge that such withdrawal shall have the same effect as if the complaint had been dismissed.—1878, p. 43.

21. Leave to withdraw, the end desired being accomplished.

a. "Inasmuch as the complaint of W. W. Colmery and others against the Synod of Cincinnati was made wholly in behalf of our excellent Standards of doctrine and order, and as these have been sufficiently vindicated by the discussion and action of this Assembly on the complaint of Thomas H. Skinner and others, I respectfully ask leave to withdraw the complaint. William W. Colmery."

The request was granted.—1878, p. 81.

b. On the adoption of the report of the Committee to review the records of the Synod of Cincinnati (see the report in full under Sec. lxxii, iii (3) above), Drs. West and Skinner asked leave to withdraw their complaints against the Synod of Cincinnati, the grounds of said complaint having been virtually covered by the report. Leave was given the complainants to withdraw their papers.—1878, p. 118.

22. Complainants have leave to withdraw because: 1. The proceedings of a civil court are not conclusive as against the ecclesiastical; 2. Trial by commission is not ground of complaint; 3. Informality in the decision does not invalidate the result intended to be reached.

The complaint of Joseph S. Van Dyke and others against the Synod of New Jersey for dismissing their complaint against the Presbytery of Monmouth, for acquitting Elder L. E. Brown of an alleged criminal offence.

A brief statement of the case is as follows:

Brown was indicted in a civil court for a serious crime; was tried, and found guilty. The case was taken to the Supreme Court, which reversed

the judgment at the hearing, and remanded the case for a new trial. The accused, under the advice of counsel, in order to save the notoriety, risk and expense of a new trial, plead guilty to a lesser grade of offence, and was fined by the court.

He then applied at once to his Session for the most "searching investigation" into the charges made against him. The Session referred the matter to the Presbytery of Monmouth, which accepted the reference. The case was tried by a Commission of the Presbytery appointed at the request of all parties. The Commission, after a full trial, acquitted the accused.

Upon his acquittal, these complainants complained to the Synod of New Jersey. The Synod, by consent of parties, appointed a new Commission, who again tried the case upon its merits, and also considered certain irregularities alleged to exist in the action of the Presbytery. The Commission brought in a decision in these words: "The complaint is sustained *pro forma;* but, inasmuch as the informalities and irregularities complained of do not seriously affect the matters at issue, the case be and hereby is dismissed." The decision of the Commission was accepted by the Synod, and ordered to be entered of record.

These complainants now complain of this action of the Synod.

They do not ask that the case be tried again by this Assembly, but that it be remitted for a new trial to the Presbytery of Monmouth.

The reasons given for this complaint are obscure, but, in the opinion of this Committee, are as follows:

1. The decision of the Commission of the Synod was in conflict with the plea of "guilty" in the civil tribunal.

2. Because the case was twice tried by Commissions, and not by the Presbytery or Synod itself.

3. That the decision of the Commission of the Synod was not in proper form; that, instead of dismissing the complaint as it did, it should have in so many words declared the accused "guilty or not guilty," and have affirmed or reversed the action of the Presbytery.

In regard to the first ground of complaint, in the judgment of your Committee all the presumptions arising from the proceedings of the civil courts adverse to Mr. Brown are overbalanced and neutralized by the much stronger presumptions arising from his acquittal, after patient and careful investigation, by two ecclesiastical courts in succession, and those among the largest and weightiest in our Church.

With regard to the second ground of complaint, that the case was tried by Commissions by consent of parties, we do not see that it furnishes any just ground for complaint. Should the prayer of the complainants be granted, and the case be remanded to the Presbytery of Monmouth for a new trial, it would probably be tried again by a Commission, for the best of reasons.

With regard to the third reason for this complaint, we think the Commission of the Synod was not happy in the form of its decision. The intention of the Commission was, it is evident, to acquit the accused and confirm the action of the Presbytery. The Committee consider that this was the actual result of its dismissal of the complaint.

The form of the decision has harmed and can harm no one, and it is for the accused, if any one, to complain of the indefinite judgment in his own favor.

This Committee are somewhat in doubt as to what was expected of

them on the recommitment to them of the report before made in the case. They however report the case a second time, with a fuller statement of the facts of the case and of your Committee's opinion thereon.

Your Committee deem it their official province and solemn duty, in accordance with the long and unquestioned practice of the Judicial Committee of the General Assembly, to give to the Assembly their opinion as to the sufficiency of these grounds of complaint, and to propose to the body the course they recommend it to pursue in regard thereto.

In view of all this, it appears to your Committee, that this case has been sufficiently and properly adjudicated. We think, with the light now before us, that it would be imposing an unjust burden and an unedifying labor on the Presbytery of Monmouth to require it to retry this case.

We therefore unanimously recommend the adoption of the following resolution:

Resolved, That, in the matter of the complaint of Joseph S. Van Dyke and others against the Synod of New Jersey, praying that the Presbytery of Monmouth be required by this Assembly to readjudicate the case of L. E. Brown, their petition be not granted, and that the complainants have leave to withdraw their papers.—1880, pp. 64, 65.

23. Complaints dismissed and leave to withdraw, because, 1. Of indefiniteness in the complaints, and 2. That the matters should be left to the wisdom and discretion of the Synod.

The report of the Judicial Committee was adopted, viz.:

No. 8, Rev. Nathaniel West *vs.* The Synod of Cincinnati.

No. 9, Rev. Nathaniel West *vs.* The Synod of Cincinnati.

No. 10, Rev. William H. James *et al. vs.* The Synod of Cincinnati.

The Judicial Committee have had under consideration these three complaints and find that they are about the very same subject-matter, and may well be considered at once and together.

Two of the three are complaints (Nos. 8 and 9) by Rev. Nathaniel West against the action of the Synod, on the — day of October, A.D. 1879, at its session then held at Lebanon. The Synod at that time and place did consider a certain complaint against the Presbytery of Cincinnati, did reverse the proceedings of the Presbytery, and at the same time, in severe terms, did censure the Presbytery. This we learn from the records of the Synod, and not from the complaints. The complaints, however, do complain that certain censures and requirements pronounced by the Synod are not sufficiently severe as against the Presbytery.

The complaint No. 10 is the complaint of the Rev. William H. James *et al.*, members of the Presbytery of Cincinnati, complaining of the same action of the Synod. They complain, however, that the action is unwarrantably severe as against Presbytery. But, like the Rev. Nathaniel West, they fail to describe the action they complain of as being too severe, and we are left to examine the records of the Synod to ascertain what was done by the Synod.

The notices of complaint in each of these three cases, and the complaints themselves, were all filed in due time; yet they are all so indefinite that they would require much additional elaboration before the real points and issues, on which the parties seek the judgment of this Assembly, can be brought under its ready comprehension for intelligent judicial

review; and, therefore, the Committee find that neither of the three complaints is in order.

When we consider that the grounds of complaint are so indefinitely stated in each of the three complaints that we are not only left in great doubt as to the precise points complained of, but actually required to examine the records to ascertain these points, and when we consider the controversy itself, we the more cheerfully come to the conclusion at which we have arrived. The record shows that the whole matter might well be left to be determined by the wisdom, and in the exercise of a sound discretion, of the Synod. The Committee fail to find anything in these cases that should occupy the time of the Assembly. We are sure that by ending the controversy now the peace of the Church and the comfort and usefulness of all concerned will be promoted.

Of course it is the imperative duty of every inferior court to obey the direction and mandate of the superior, and such obedience, if necessary, should be enforced by the superior court.

We arrive at these conclusions all the more gladly, because a course different from that herein indicated does not appear to be needed for the vindication of Rev. Nathaniel West. That has already been done in the most ample manner. It appears that there is nothing derogatory to his moral, religious or ministerial character.

The premises considered, the Judicial Committee recommend that each of the three complaints be dismissed, and that the respective complainants have leave to withdraw all papers filed by them.—1880, pp. 80, 81.

24. Leave to withdraw on request of the parties.

a. The complaint of the Rev. James P. Hendrick and thirteen others against the action of the Synod of Kentucky for rejecting an exception to the records of the Presbytery of Ebenezer, which were before the Synod under general review and control. The Committee report that in this case the Rev. Stephen Yerkes, D.D., who is one of the complainants, has appeared before the Committee and asked leave to withdraw the complaint, which action he represents will be satisfactory to the parties. We therefore recommend that leave be granted to withdraw the complaint, and that this Committee be discharged from its further consideration. Adopted.—1882, p. 100.

b. A complaint against the Presbytery of Cincinnati, because it did not sustain Charge One (1) in the case of the Presbyterian Church in the United States of America against the Rev. Henry Preserved Smith, D.D., signed by John Junkin Francis, P. Robertson, J. Conzett, William H. James, and others.

Rev. William H. James, D.D., for himself, and as counsel for the other complainants, asks leave respectfully to withdraw the complaint.

The Judicial Committee, therefore, recommend to the General Assembly that the complainants, at their own request, have leave to withdraw their complaint. Adopted.—1894, p. 87.

[NOTE.—See also complaint of John J. McCook *et al. vs.* the Synod of New York, under Book of Discipline, Sec. lxxxiv, p. 715.]

c. Judicial case, being the complaint of the Rev. George W. F. Birch, D.D., against the Synod of New York. Your Committee would report that they have examined the papers in the complaint of Dr. Birch against the action of the Synod of New York and have found them in order. In view of the fact that at the time the minutes of the Presby-

tery of North River were reviewed by the Synod of New York, the case of the candidate for admission had not been completed, and inasmuch as the case will come before the Synod at its next meeting upon the review of the subsequent action of Presbytery, the complainant agrees to withdraw the complaint. Your Committee therefore recommends that this action be approved. Adopted.—1895, p. 69.

25. Complaint dismissed because no parties were aggrieved.

A complaint of Thomas W. Hynes, of certain action taken by the Presbytery of Alton and the Synod of Illinois, South. Whilst there is some ground, through a technical informality, for his complaint, yet, as no parties were aggrieved by the action of Presbytery, it is recommended that the complaint be dismissed. Adopted.—1880, p. 29.

26. Complaint dismissed as not in due form. To strike from the roll without notice or citation disapproved.

A complaint against the Synod of Colorado in confirming the action of the Presbytery of Wyoming, in striking the name of Rev. Thomas Cooper from its roll without notice or citation. The Committee report that, while the Assembly cannot approve of the action of the Presbytery in dropping Mr. Cooper's name without notice or citation, nor the subsequent action of the Synod of Colorado in confirming the action in review, yet, as nothing would be gained by a reopening of the case, and as the case does not come before us in due form, the Committee recommend that the case be dismissed. Adopted.—1875, p. 511.

27. Subject matter of complaints entertained.

a. Relative to a decision of the Synod of Pittsburgh reversing a decision of the Presbytery of Ohio, which had restored Mr. Wherry to church privileges.—1820, p. 738.

The complaint was sustained.

b. In the case of the complaint of members of the Presbytery of Carlisle against the Synod of Philadelphia, it was

Resolved, That the complaint ought to be considered by the Assembly, only so far as it regards the regularity of the proceedings of the Synod in reversing the judgment of Presbytery in the case.—1823, p. 74.

c. Complaint of the Presbytery of Washington, O., against the Presbytery of West Lexington, for licensing and ordaining the Rev. William L. McCalla, contrary, in the opinion of the complainants, to Presbyterial order, Mr. McCalla having been suspended from church privileges by the Presbytery of Washington, in consequence of a reference on the subject from the Session of the church of Chillicothe.—1821, p. 21.

[Note.—See under Form of Government, Chap. xiv, p. 544.]

d. Complaint of Ashbel Green and others, by which complaint the following question is presented for the decision of the Assembly, viz.: Is it consistent with the Constitution of this Church for the same individual to hold the office of ruling elder in two different churches at the same time?

The complainants were heard in support of their complaint; the Synod was heard in defence of their decision; and the complainants concluded with a reply:

When it was resolved by the Assembly, that the decision of the Synod be affirmed, and the complaint dismissed.—1827, p. 204.

[Note.—See Form of Government, Chap. v, No. 5, p. 149.]

e. A complaint by Mr. David McClure, against the Presbytery of Philadelphia, in relation to the mode in which certain ruling elders had lately been elected in the Second Presbyterian Church of Philadelphia. —1827, p. 211.

Decision of Presbytery affirmed.—p. 215.

f. Complaint of the minority of the Presbytery of Philadelphia, against a reference by said Presbytery of the case of Rev. Albert Barnes.—1831, p. 319.

Complaint sustained.—p. 329.

g. Complaint of Thomas Bradford *et al.* against the decision of the Presbytery of Philadelphia, relative to the installation of Mr. Duffield. Sustained.—1835, p. 490.

h. The complaint of Mr. Gilbert and Mr. Pickands in behalf of themselves and other members of the late Presbytery of Wilmington against the Synod of Philadelphia, for dissolving them. Sustained.—1836, p. 279.

i. Complaint of Rev. Thompson Bird against the Synod of Iowa for reversing the decision of the Presbytery of Des Moines, deposing a minister for adultery in marrying a divorced woman.—1858, p. 599, N. S.

[NOTE.—See in this *Digest*, p. 98.]

j. A complaint of certain members of the Presbytery of Philadelphia, against the Synod of Philadelphia, for refusing to divide said Presbytery, was taken up.—1832, p. 356.

The complaint was sustained without casting censure on the Synod of Philadelphia.—1832, p. 360.

k. The complaint of John Turbitt against the Synod of Illinois, for refusing to take up and consider, at their meeting in October, 1859, his appeal from, and complaint against, the Presbytery of Peoria; and would recommend to the Assembly to dispose of the case by adopting the following minute:

It is earnestly recommended by this Assembly to the Synod of Illinois to reconsider their judgment in the case of Mr. John Turbitt, declared at their late meeting, October, 1859, and, without regarding the circumstance of his having originally passed over the Synod and appealed directly to the Assembly, nor the circumstance of so much time having elapsed since the decision of the Presbytery against him, to take up his case, and either try it as an appeal against the Presbytery upon the old evidence, or else remand it to the Presbytery for their hearing of the new testimony.—1860, p. 46, O. S.

l. The complaint of the Rev. Alexander M. Cowan against the action of the Presbytery of Sydney, for refusing to enroll his name on the ground that he acknowledged himself to be a signer of the "Declaration and Testimony," and refused to sign the declaration prescribed by the Assembly of 1867 in such cases.

The Committee finds the case to be in order, and recommends that it be tried according to the order prescribed in the Book of Discipline.—1868, p. 639, O. S.

The following minute in the case was adopted:

The General Assembly having heard the complaint of Mr. Cowan, it is resolved that it be not sustained, the Presbytery having acted entirely in accordance with the directions of the Assembly of 1867.

But inasmuch as the emergency that called for the action of that and

of the previous Assembly has passed; and inasmuch as many throughout the Church, and entirely loyal to it, have scruples in respect to the constitutionality and expediency of the orders of 1866; and inasmuch as Mr. Cowan declares that in signing the Declaration and Testimony he had no intention to rebel against, or to show any disrespect to, the Church, but merely to protest against what he regarded as an unconstitutional act; and inasmuch as he desires to adhere to the General Assembly and to be subject to its authority; therefore,

Resolved, That his case be referred to the Presbytery to which he belonged, with instructions to deal tenderly with his scruples, and if in the judgment of said Presbytery he can be restored in accordance with the spirit of the action of 1867, that Presbytery have authority to restore him without further acknowledgment than that stated above in the hearing of this body.—1869, p. 641, O. S.

[NOTE.—For other causes of complaint see below. See also in the index under "Complaints."]

28. Complainants satisfied by conference and leave to withdraw.

The Judicial Committee reported the complaint of the Second Presbytery of Philadelphia against the Synod of Philadelphia, and also the complaint of Messrs. Robert Cathcart, George Duffield and E. W. Gilbert against the Synod of Philadelphia, as in order, and reported also an order to be pursued in prosecuting these complaints.

Resolved, That these complaints be referred to a select Committee, to endeavor to effect a compromise, if practicable, between the parties concerned.

Dr. Spring, Dr. Hoge, Mr. Ludlow, Mr. Jessup and Mr. Wilkinson were appointed this Committee.

The Assembly united in prayer for the divine direction and blessing upon this Committee and the parties concerned in these complaints.

The Judicial Committee reported on the petition and remonstrance of the Synod of Philadelphia against the last General Assembly's proceedings in relation to the Second Presbytery of Philadelphia. This paper was referred to the same Committee of Compromise.

The Judicial Committee further reported the complaint and petition of E. W. Gilbert in behalf of himself and the Hanover Street Church of Wilmington, Del., against the Synod of Philadelphia, as in order and reported an order of proceeding to be followed in case the complaint is taken up. This complaint also was referred to the same Committee of Compromise.

The Judicial Committee further reported on a paper purporting to be a complaint of the Synod of Cincinnati, remonstrating against the division of Presbyteries on the principle of elective affinity. This paper was also committed to the same Committee of Compromise.—1833, p. 396.

The Committee subsequently reported that after an interview with members of the Presbytery and of the Synod, as a result of a free conference with both parties, they were enabled to recommend to the Assembly the following:

Resolved, That the complainants in all these cases have leave to withdraw their complaints, and that the consideration of all the other papers relating to the Second Presbytery of Philadelphia be indefinitely postponed.—1833, p. 399.

LXXXIV. Written notice of Complaint, with the reasons therefor, shall be given, within ten days after the action was taken, to the Clerk, or, in case of his death, absence, or disability, to the Moderator, of the judicatory complained of, who shall lodge it, with the records and all the papers pertaining to the case, with the Clerk of the superior judicatory, before the close of the second day of its regular meeting next ensuing the date of the reception of said notice.

[NOTE.—The ten days within which notice must be given, it will be noted, run from the time when the action was taken, and not from the rising of the judicatory, as was the provision of the former Book of Discipline.]

1. Reasons as well as notice must be given.

Overture No. 3, from the Synod of Cincinnati, as follows: Does the language of the Book of Discipline (Old), Chap. vii, Sec. iv, imply that when notice of complaint is given to a judicatory of the Church, reasons for such complaint must be given, as in the case of appeal?

A majority of the Committee recommend that the question propounded in the overture be answered in the affirmative. The minority are of the opinion that it should be answered in the negative.

It was moved that the Assembly sustain the answer of the majority in the affirmative. Adopted.—1855, p. 271, O. S.; confirmed by Sec. lxxxiv.

2. Notice and reasons must be given within ten days after the action is taken.

a. A complaint of Rev. John Pym Carter against the Synod of Baltimore:

The certificate of the Moderator of the Synod of Baltimore shows that Mr. Carter did complain to Synod of its decision, but that the grounds of complaint were lodged by him on the 3d of November, 1880, the Synod having adjourned October 21.

The Book of Discipline (Old), Chap. vii, Sec. iv, Sub-sec. iv, requires notice of complaint to be given within ten days after the rising of the judicatory, as in the case of an appeal (Book of Discipline [Old], Chap. vii, Sec. iii, Sub-sec. v, which requires an appellant to lay the reasons of his appeal in writing before the judicatory appealed from within ten days after its rising).

The General Assembly (Moore's *Digest*, 1873, p. 605, 1) directed that "when notice of complaint is given to a judicatory of the Church, reasons for such complaint must be given as in case of appeal."

Mr. Carter's reasons were not given until the thirteenth day after the adjournment of the Synod. He not having complied with the requirements of the Book of Discipline, your Committee recommend that the complaint be dismissed. Adopted.—1881, p. 587.

b. Complaint of the Rev. Samuel M. Gould against the Presbytery of Philadelphia North. There is no evidence that notice and reasons of complaint were given by the complainant, as required by the Book of Discipline (Old), Chap. vii, Sec. iv, Sub-sec. iv, and no sufficient reason for passing over the Synod. We recommend that the complainant have leave to withdraw his complaint. Adopted.—1881, p. 585.

3. Complaint dismissed when no notice has been given.

A complaint of Fisk Harmon against the Synod of Iowa North in

approving the decision of the Presbytery of Fort Dodge, in declining, for reason, to restore him to the ministry from which he had been deposed by the Presbytery of Des Moines the year before. The Committee recommend that the complaint be dismissed, and the papers be returned to the complainant, because it does not appear that he gave any notice at any time to the Synod of his intentions to complain. Adopted. —1875, p. 511.

Also case of J. C. Bose.—1893, p. 132.

4. Complaint against the action of a judicatory can lawfully be signed only by those who signed it or gave notice of their intent within the constitutional limit of time.

Resolved, That it is unnecessary at this time for the General Assembly to take any action looking to the reversal of the action of the Synod of New York complained of by John J. McCook and others, inasmuch as the Synod has dismissed the complaint of Rev. Francis Brown, D.D., and others, on which the complaint to the General Assembly was founded. But it is expedient that the General Assembly put upon record an explicit ruling that a complaint against the action of a judicatory cannot lawfully and constitutionally be signed by persons other than those only who have signed the same or given notice thereof within the ten days' constitutional limit of time. And Synod should have stricken from the complaint the 113 names, and let it stand as the complaint of him only who signed in time the notice thereof.—1894, pp. 127, 128.

[NOTE.—In the case of the complaint of John J. McCook *et al. vs.* the Synod of New York, see *Minutes*, 1894, p. 127, it appeared that the Synod allowed 113 persons, in addition to the complainant, Francis Brown, to appear before the Synod as complainants and that none of said 113 had given notice of intent to complain within the constitutional limit.]

5. Complaint and appeal dismissed as not lodged in time, and no one appearing to prosecute.

A complaint and appeal to the General Assembly against the decision of the Synod of Catawba, in session at Charlotte, N. C., November 2, 1887, signed by seven persons. This complaint and appeal pertains to the action of the Synod in sending back to the Presbytery of Yadkin the case of Rev. E. H. Garland for a rehearing. The Stated Clerk of the Synod filed this complaint as having been received by him on the 14th day of November, 1887, whereas the action complained of was taken November 2, 1887, twelve days before the complaint was filed with the Stated Clerk, which was two days after the expiration of the time allowed for filing a complaint or appeal (see Book of Discipline, Secs. lxxxiv and xcvi). For this reason, and because no complainant or appellant has appeared before the Committee, we recommend that the complaint and appeal be dismissed as not in order. The report was adopted.—1888, p. 77.

[NOTE.—See Sec. xcvi.]

6. Dismissed because no notice of complaint given.

a. The complaint of J. C. Bose against the Synod of India. The Committee recommend no action, the case being found not in order, for the reason that no notice of complaint was given to Synod. Adopted. —1893, p. 132.

b. Complaint of the Presbytery of La Crosse, against the Presbytery of Mattoon and the Synod of Illinois, in the case of Rev. J. H. Lish.

Not in order, for the reason that due notice has not been given to the Synod of Illinois.—1894, p. 127.

[NOTE.—See also under Book of Discipline, Sec. lxxxiii, p. 697.]

7. Evidence must be furnished that notice was given.

a. Dismissed for want of evidence that notice of the complaint was given to the superior judicatory.—1834, p. 434; 1863, p. 23, O. S.; 1875, p. 511; 1881, p. 585.

b. Leave given to show that notice has been given as required (1834, p. 454) and the complaint entertained.—1836, p. 274.

[NOTE.—Where a mistake had been made, see Book of Discipline, Sec. xcvi.]

8. Right to complain lost by failure to observe the rules.

The report of the Judicial Committee No. 3, viz., the complaint of Messrs. Tate, McIver and others, against the Presbytery of Fayetteville, in the case aforesaid, was taken up and adopted, and is as follows, viz.:

A complaint of the Rev. Robert Tate, Colin McIver and others, was put into the hands of the Committee, in which they complain of a decision of the Presbytery of Fayetteville, by which they refused to reconsider certain decisions made at a former meeting of the Presbytery touching the case of the Rev. Archibald McQueen. The Committee are unanimously of the opinion that the General Assembly cannot entertain this complaint, inasmuch as the complainants did not avail themselves of their right to complain of the aforesaid decisions within the time and in the manner specified in our Book of Discipline. The Committee believe that it was never intended that those who thus waived their right should have the right, at a subsequent meeting of the judicatory, on a mere motion to reconsider, to bring the whole previous action by complaint before the higher judicatory.—1846, p. 202, O. S.; see also next below.

9. A judicial case once adjudicated may not be revived on memorial.

The complaint of the Rev. James P. Fisher against the action of the Synod of Albany, in the case of the Rev. George H. Thatcher. It appears that the Presbytery of Albany allowed Mr. Thatcher to demit the office of the Gospel ministry, of which action complaint was made by Mr. Fisher to the Synod in 1856. This complaint was sustained, but no copy of it appears on record, nor are the minutes of the Presbytery, out of which the complaint grew, before us. The Synod, in sustaining the complaint, did not make any order to the Presbytery as to what disposition they should make of Mr. Thatcher; but no protest was entered against this action, nor was any complaint taken to this body at that time. At the meeting of the Synod in 1857, a memorial was presented from the Presbytery of Albany, asking Synod to define their action in the case, which memorial was laid on the table. The complaint now before us purports to lie against this latter action, but it is entitled a "complaint of the action of the Synod in the case of the Rev. George H. Thatcher," and undoubtedly all the reasons of complaint are aimed against that action. The Judicial Committee recommend that the case be dismissed for the following reasons, viz.:

1. The complainant having failed at the proper time to make his complaint of the action of the Synod in the case of Mr. Thatcher, has thereby forfeited his right to complain.

2. Were the Assembly to allow a judicial case, when once adjudicated,

to be revived on a simple memorial, it would give rise to endless litigation, insomuch that no judicial case could ever be known to be finally settled.

3. Even if the Assembly were disposed to entertain the complaint, no intelligent or just decision could be had in the case, in the absence of the complaint which the Synod sustained, and of the records of the Presbytery in the original case.—1858, p. 297, O. S.

LXXXV. Whenever a Complaint, in cases non-judicial, is entered against a decision of a judicatory, signed by at least one-third of the members recorded as present when the action was taken, the execution of such decision shall be stayed, until the final issue of the case by the superior judicatory.

[NOTE.—See under Book of Discipline, Sec. lxxxviii, below, in case of the dissolution of a pastoral relation.]

LXXXVI. The complainant shall lodge his Complaint, and the reasons therefor, with the Clerk of the superior judicatory before the close of the second day of its meeting next ensuing the date of the notice thereof.

[NOTE.—See Book of Discipline, Sec. xcvii. The same rule applies to appeals.]

LXXXVII. If the higher judicatory finds that the Complaint is in order, and that sufficient reasons for proceeding to trial have been assigned, the next step shall be to read the record of the action complained of, and so much of the record of the lower judicatory as may be pertinent; then the parties shall be heard, and, after that, the judicatory shall proceed to consider and determine the case, as provided for in cases of original process. In cases of Complaint involving a judicial decision, proceedings in an appellate judicatory shall be had in the order and as provided in Sec. xcix, Chap. iv, entitled "Of Appeals."

LXXXVIII. The effect of a Complaint, if sustained, may be the reversal, in whole or in part, of the action of the lower judicatory; and may also, in cases non-judicial, be the infliction of censure upon the judicatory complained of. When a Complaint is sustained, the lower judicatory shall be directed how to dispose of the matter.

1. **The judicatory issuing a complaint may not decline to adjudicate the merits of the case, and must observe the alternatives of the Book. It may not assume original jurisdiction.**

On the complaint of Mr. William H. Beecher and others against the Synod of Genesee, in the case of the appeal of Dr. Frank from the decision of the Presbytery of Genesee, the General Assembly sustain the complaint and reverse the judgment of the Synod on the following grounds, viz.:

1. That the merits of the case seem to be expressly declined by the Synod as the subject-matter of adjudication.

2. That the Synod appear not to have adhered to the alternatives prescribed by the Constitution (see Book of Discipline [Old], Chap. vii, Sec. iii, Sub-sec. x).

3. That the Synod seem to have forgotten the nature and the limits of

their appellate, as distinguished from the original jurisdiction in the case; in that they censure at their bar the appellant in a way competent, in any circumstances, only to the Session of the church to which the appellant was primarily amenable.

4. That they seem to have forgotten also, in restoring the appellant, that some expression of repentance ought to have been exacted, especially if their reprimand could, from any tribunal, have been deserved. The Assembly, therefore, rule that the Synod of Genesee should review their proceedings in this case; and, regarding alike the rules of the Constitution and the merits of the case, that they proceed to issue the same with equity and wisdom.

In the matter of defining in what calumny consists, as connected with the case, the Assembly feel it not necessary to express any opinion farther than to recommend the principles of our Constitutional discipline.—1840, p. 11, N. S.

2. Reversal places matters in statu quo.

[In the complaint of T. B. Clark and others against the decision of the Synod of Cincinnati:]

The parties having been heard, the Synod withdrew, and the roll was called for the opinions of the members. The question was then put, "Is the complaint well founded?" and it was answered in the affirmative.

And it was

Resolved, That the complaint be sustained, and the decision of the Synod of Cincinnati be reversed, and matters placed in the same situation in which they were before the Synod entered up its judgment in the case.—1841, p. 450, O. S.

3. Does a complaint suspend the dissolution of a pastoral relation?

An overture from the Presbytery of Erie, viz.:

Does the dissolution of pastoral relations take effect immediately, although notice has been given of a complaint to a higher court?

Answer: A complaint alone does not suspend or arrest the action complained of. Adopted.—1881, p. 586.

[NOTE.—See Book of Discipline, Sec. lxxxv, p. 717, which was adopted in 1884, and by which the law was changed.]

4. Censure of the lower judicatories.

The Committee appointed to prepare a minute to be adopted by the Assembly, in relation to the appeal and complaint of the Rev. Josiah B. Andrews, against a decision of the Synod of New Jersey, affirming a decision of the Presbytery of Jersey, by which Mr. Andrews was admonished, reported, and their report being read, was adopted, and is as follows, viz.:

The General Assembly, after maturely and prayerfully considering the appeal and complaint of the Rev. Josiah B. Andrews, from a sentence of the Synod of New Jersey, adopted the following minute, viz.:

While in the opinion of this Assembly, the Presbytery of Jersey in originating, conducting and issuing this prosecution, do not appear to have exercised that cautious regard to the provisions of the Constitution, in cases of process, which are so efficient in matters of discipline, and while they deem this applicable to the proceedings of the Presbytery in relation to both the parties,

Resolved, 1. That the sentence of the Presbytery and Synod, so far as it censures the Rev. Josiah B. Andrews, for an imprudence of conduct and a want of tenderness toward the reputation of certain members of the church in Perth Amboy, be affirmed and it hereby is affirmed.

2. That the sentence of the Presbytery and Synod, censuring the Rev. Josiah B. Andrews for "a very reprehensible degree of equivocation," be reversed, and it hereby is reversed.—1824, p. 106.

[NOTE.—See also under Book of Discipline, Sec. lxxii, No. 3, d, p. 687, censure of the Synod of Cincinnati on review of records.]

5. Complaint sustained, and the errors of the inferior judicatories detailed.

The Committee appointed to bring in a minute in reference to the complaint of the Rev. Thomas H. Skinner, D.D., and others against the Synod of Cincinnati, respectfully report the following, viz.:

The complaint of the Rev. Thomas H. Skinner, D.D., and others against the Synod of Cincinnati, in the matter of Rev. William C. McCune, was found to be in order; and, after being heard, the vote on the same was taken.

The complaint was declared to be sustained, and the action of the Synod reversed.

In this decision the Assembly affirm their judgment that the original charges brought against the Rev. William C. McCune before the Presbytery of Cincinnati in this case were proved by sufficient evidence under several of the specifications subjoined to the same. The Presbytery therefore erred in not sustaining these charges, and in not reprimanding Mr. McCune for his unsound statements and his disloyal action in the premises. The Presbytery also erred in dismissing Mr. McCune under these circumstances to another denomination as in good standing. The Synod of Cincinnati erred in refusing to sustain the complaint made against the Presbytery of Cincinnati for its action in this case. Adopted. —1878, p. 103.

[NOTE.—See also under Book of Discipline, Sec. xcix, 4.]

LXXXIX. The parties to a Complaint, in cases non-judicial, shall be known, respectively, as Complainant and Respondent—the latter being the judicatory complained of, which should always be represented by one or more of its number appointed for that purpose, who may be assisted by counsel.

XC. Neither the complainant nor the members of the judicatory complained of shall sit, deliberate, or vote in the case.

[NOTE.—See under Book of Discipline, Sec. xcviii.]

XCI. Either of the parties to a Complaint may appeal to the next superior judicatory, except as limited by chap. xi, sec. iv,* of the Form of Government.

XCII. The judicatory against which a Complaint is made shall send up its records, and all the papers relating to the matter of the Complaint, and filed with the record; and, for failure to do this, it shall be censured

* *i. e.*, "Which do not affect the doctrine or Constitution of the Church," in which cases the decision of the Synod is final. See p. 244.

by the superior judicatory, which shall have power to make such orders, pending the production of the records and papers, and the determination of the Complaint, as may be necessary to preserve the rights of all the parties.

1. In the absence of the respondent and of the papers in the case decision suspended until the record is produced.

The Judicial Commission appointed to hear and issue the complaint of John J. McCook, William Waith, John Machlin, M. L. Miller and James Gardner against the action of the Synod of New York on October 21, 1892, in finding in order a complaint of the Rev. Francis Brown, D.D., against the action of the Presbytery of New York, on November 4, 1891, in sustaining the ruling of the Moderator as to the status of the Prosecuting Committee, to which complaint the names of 113 persons had been added after the ten days' limit fixed by the Book of Discipline had expired, met on May 27, at 8 P.M.

The record containing the action was read, and one of the complainants, Mr. John J. McCook, was heard.

In the absence of any appointed representative from the Synod of New York, the Rev. Francis Brown, D.D., and Ruling Elder Alfred B. Smith, members of that body, were invited to address the Commission concerning the action of the Synod in the case. A letter was read from the Stated Clerk of the Synod, stating that the original complaint, from some cause which does not seem to be any fault of his, had passed out of his reach.

The complaint was found to be in order, and it was entertained. The following action was then taken:

The Finding: The Judicial Commission finds that the Synod of New York has failed to appear before the court by any appointed representative; they further find that the Synod of New York, against which this complaint is made, has failed to send up all the papers in the case, as provided for in Sec. xcii of the Book of Discipline. The Commission recommends that the decision complained of be suspended until the record is produced on which the issue can be thoroughly tried; and that the Synod of New York be directed to send up all the papers relating to this complaint with the record, to the next General Assembly, and that the Synod appoint one or more of its members to represent it at said General Assembly.—1893, pp. 152, 153.

[NOTE.—See this *Digest*, p. 715, for the final action in this case.]

XCIII. If a case should be carried to an appellate judicatory by both Appeal and Complaint, the same shall be consolidated for trial, if deemed proper by the appellate judicatory. If the Appeal be abandoned, the case shall be heard only on the Complaint.

[NOTE.—See Book of Discipline, Sec. lxxxiii, p. 697.]

IV. OF APPEALS.

XCIV. An Appeal is the removal of a judicial case, by a written representation, from an inferior to a superior judicatory; and may be

taken, by either of the original parties, from the final judgment of the lower judicatory. These parties shall be called Appellant and Appellee.

[NOTE.—Prior to the adoption of the Constitution of 1821, no distinction was made between an appeal and a complaint. The common form used was "We appeal and complain." Under this broad title any decision whatever was carried by any parties from the lower judicatories to the higher. The Constitution of 1821 defined "an appeal" to be "the removal of a cause already decided, from an inferior to a superior judicatory by a party aggrieved." Under the term "cause" all cases of whatever character which had been the subject of a decision by an inferior judicatory were included. Hence under this section "Of Appeals" will be found many decisions of cases which, under the present Constitution, would be acted on only as complaints. They appear here because of the questions decided.]

1. The death of the appellee bars the prosecution of an appeal.

The records of the Synod of New York were approved, except that, on p. 277, it appears that the Synod decided that the death of the Rev. Mr. Griffith should be no bar in the way of the prosecution of an appeal by his prosecutor from the decision of the Presbytery of Bedford, acquitting Mr. Griffith.—1833, p. 400.

[NOTE.—The right to appeal or complain is not affected by the approval of the minutes of the judicatory complained of. See Book of Discipline, Sec. lxxii, Nos. 4 and 5, p. 687.]

2. Appeals limited to judicial cases.

The complaint of A. D. Metcalf, etc., against the Synod of Virginia, for deciding that appeals may lie in cases not judicial, was taken up. The complaint was sustained.—1839, p. 160, O. S.

3. Original parties only may appeal. Others may complain.

a. The Judicial Committee reported a paper, signed by Dr. Cathcart and others, members of the Presbytery of Carlisle, purporting to be an appeal or complaint relative to a decision of the Synod of Philadelphia. The Committee gave it as their opinion that the subject could not be taken up on the ground of an appeal, because these persons were not one of the original parties, but that it might be taken up in the character of a complaint.—1823, p. 69.

b. Judicial Case No. 4, the complaint and appeal of the Presbytery of Passaic against the Synod of New Jersey. It was

Resolved, That the Assembly cannot entertain this case as one of appeal, inasmuch as it has not been made by one of the original parties.

The case was then continued as a complaint.—1861, p. 344, O. S.

c. In the case of the appeal of Thomas H. Skinner *et al.*, from the Presbytery of Cincinnati, the Committee recommend that, inasmuch as the so-called appellants were not an original party, they are not entitled to an appeal (Book of Discipline [Old], Chap. vii, Sec. iii, Sub-sec. xvii), and that, therefore, the case be dismissed. Adopted.—1877, p. 575.

d. In the appeal of George Fishbach *vs.* The Synod of Illinois South, the case was dismissed, *inter alia*, "because the appellant is not a party aggrieved."—1874, p. 62.

4. Decisions as to original parties.

a. *The person prosecuted and the prosecutor.*

[In the case of Mr. Barnes] Mr. Barnes was heard in support of his appeal. Dr. Junkin, the original prosecutor, was heard in support of the charges until he finished. The Synod was heard by their Committee in explanation of the grounds of their decision.—1836, p. 260, etc.

The appeal of W. J. Frazer against the Synod of Illinois. The sentence appealed from, the appellant's reasons for appealing and the records of the inferior court, were read. Mr. Frazer, the appellant, and Mr. James Stafford, his prosecutor, who were the original parties, were heard.—1840, p. 288, O. S.

b. *The person claiming to be aggrieved and the judicatory appealed from.*

The parties in the case were then called, and R. J. Breckinridge was heard on behalf of Robert S. Finley.

A question arose when he concluded, respecting the original parties, whether the Presbytery of Elizabethtown or the Synod of New Jersey should be regarded as the other party, upon which the Moderator decided that the action of the Assembly in allowing James Hoge and Nathaniel Hewit to take the place of absent members of the Committee appointed by the Synod of New Jersey, did virtually recognize the Synod as the party to be heard at this stage of the proceedings.—1858, p. 291, O. S.

c. *The Prosecuting Committee and the appellee.*

In the case of the Presbyterian Church in the United States of America against the Rev. Charles A. Briggs, D.D., being an appeal to the General Assembly from a decision and final judgment of the Presbytery of New York, rendered January 9, 1893, the Judicial Committee beg leave respectfully to report that they have examined the papers pertaining to this case, and find:

1. That the appellant in this case is the Presbyterian Church in the United States of America, represented by its Prosecuting Committee, appointed by the Presbytery of New York, and, as such appellant, has a right of appeal to this Assembly as an original party, and said Prosecuting Committee is entitled to conduct the prosecution, in all its stages, in whatever judicatory, until the final issue be reached.—1893, p. 104.

[NOTE.—See Book of Discipline, Secs. x, xi, p. 636.]

d. *The appellant and the appellee.*

The Judicial Committee, in the matter of Judicial Case No. 1, begs leave to report:

In the case of the Presbyterian Church in the United States of America against Rev. Henry Preserved Smith, D.D., being the appeal to the General Assembly from the decision, action and judgment of the Synod of Ohio, rendered October 13, 1893, we have examined the papers and conferred with the parties.

We find that the appellant is Rev. Henry Preserved Smith, D.D., and as such appellant he has the right to appeal to the General Assembly, the case being one of that nature in which the appeal may be taken to the highest court of the Church, and we find that the Committee to conduct the prosecution appointed by the Presbytery of Cincinnati, in which Presbytery the case arose, has the right to conduct the prosecution, and hence to appear for the Presbyterian Church, the appellee in this court.—1894, p. 90.

[NOTE.—See under Book of Discipline, Sec. xi, p. 637.]

5. Members of the judicatory trying a case are not parties in the case and may not appeal.

a. The Judicial Committee also reported on the appeal of Dr. Joshua L. Wilson and others, against a decision of the Synod of Cincinnati, in

the case of Dr. Beecher, that they have examined the same, and are of opinion that Dr. Wilson and others were not a party in the case, and consequently cannot constitutionally appeal; and recommend that they have leave to withdraw their appeal. This report was adopted.—1834, p. 432.

b. An appeal of the Presbytery of Omaha against the decision of the Synod of Iowa, in the case of Dr. G. C. Morrill. This case originated in the Session of the Second Church of Omaha, in which common fame was the accuser against Dr. Gilbert C. Morrill. After trial and judgment before the Session, it was carried, by appeal of the accused, to the Presbytery of Omaha, from whose judgment it was again carried, by appeal of the accused, to the Synod of Iowa. The Synod remanded the case to the Session for a new trial, of which decision the Presbytery seeks a review by appeal to this Assembly.

In the judgment of the Judicial Committee, the Presbytery of Omaha is not one of the original parties to this case, and is therefore not competent to bring it before the Assembly by appeal (Book of Discipline [Old], Chap. vii, Sec. iii, Sub-secs. i and xvii). And they therefore recommend that the appellants have leave to withdraw their papers. Adopted.—1870, p. 27.

6. An appeal may be made to the next superior judicatory by either of the parties to a complaint.

[Note.—See Book of Discipline, Sec. xci.]

7. No constitutional provision for a second appeal.

An appeal and complaint from Rev. E. Bailey Smith against the action of the Synod of New Jersey. It appearing that Mr. Smith had appealed from this same action to a former Assembly, the Committee are unable to perceive how this second appeal can be entertained. The Book of Discipline (Old) makes no provision for any such second appeal. Besides, even if such an appeal were allowable, the reasons for it in this case were not lodged with the Assembly before the close of the second day of the session (as required by the Book of Discipline), and no new reasons are now assigned for it. It is, therefore, recommended that the appeal be dismissed. Adopted.—1876, p. 28.

[Note.—See Book of Discipline, Sec. xcvi.]

XCV. The grounds of Appeal may be such as these: Irregularity in the proceedings of the inferior judicatory; refusal to entertain an Appeal or Complaint; refusal of reasonable indulgence to a party on trial; receiving improper, or declining to receive important, testimony; hastening to a decision before the testimony is fully taken; manifestation of prejudice in the conduct of the case; and mistake or injustice in the decision.

[Note.—In a majority of the cases cited below, it will be seen at once that under Sec. xciv, they would be received only as complaints, not being judicial cases, or brought by "either of the parties to a complaint." They are cited here, however, because they contain valuable precedents—decisions which are not affected by the form in which they were brought.

In cases of complaint involving a judicial decision, proceedings in an appellate judicatory shall be had in the order and as provided in Secs. xcix and lxxxvii.]

1. Appeals have been entertained and issued for refusing to permit a call.

a. Appeal of Rev. Henry R. Wilson *vs.* the Synod of Philadelphia. Sustained.—1814, p. 548.

b. Appeal of Presbytery of Hudson *vs.* the Synod of New York and New Jersey. The appeal was sustained.—1817, p. 644.

c. Appeal of Rev. Mr. Edgar *vs.* the Synod of Erie. Dismissed on the ground that Presbyteries have discretionary power in such cases.—1875, p. 510.

[NOTE.—See under Form of Government, Chap. xv, Sec. ix, p. 569.]

2. Appeal against an installation in the face of a protest.

The Commission to whom was referred Judicial Case No. 1, being an appeal by the minority of the church and congregation of Westfield from the judgment of the Synod of New Jersey, report:

The appellants complained to the Synod of the action of the Presbytery of Elizabeth in installing the Rev. Alexander McKelvey as pastor of said church and congregation, in disregard of the protest of the minority.

The Synod, at its annual meeting, held in Orange, October, 1875, tried the appeal, with the following result of votes: to sustain the appeal, 39; not to sustain, 39; to sustain in part, 4. The Moderator ruled that the votes to sustain in part should not be counted, thus rendering the vote of Synod a tie of 39 to 39. He then gave a casting vote not to sustain the appeal. The Synod then, for reasons stated, recommended that the Presbytery of Elizabeth use its influence to secure the dissolution of the pastoral relation existing between Mr. McKelvey and the church and congregation of Westfield. Your Commission decides that the appeal from the judgment of the Synod should be and is hereby sustained. The four votes to sustain in part should have been counted with those to sustain, and the Synod is directed to correct its record in this regard.

In view of the fact that a very large and influential minority of the congregation of Westfield have, from the beginning, been opposed to the pastorate of Mr. McKelvey, and since it seems certain that harmony will not be restored under his pastorate, and since it is in evidence that many of the members of the Synod who voted not to sustain the appeal are of opinion that this pastoral relation should be dissolved, and in consideration of the fact that many of the acts of the Presbytery in the case have been hasty and irregular, the Synod of New Jersey is required and directed to enjoin the Presbytery of Elizabeth to dissolve, at as early a day as practicable, the pastoral relation of the Rev. Alexander McKelvey to the church and congregation of Westfield. Adopted.—1876, pp. 63, 64; 1877, p. 508.

3. Appeal against a refusal to obey the superior judicatory.

An appeal from, and complaint against, a vote of the Synod of Philadelphia, in the case of Mr. Hindman.

The Committee appointed to draught a minute respecting the appeal from the decision of the Synod of Philadelphia, whereby they refused to revise a minute of their preceding sessions, in the case of Mr. Hindman, and refused to take into consideration the conduct of the Presbytery of Lewes in the affair of his licensure, produced a draught to that

purpose, which, after some amendment, was approved, and is as follows, viz.:

The Assembly having had the whole affair laid before them, and fully heard the parties, after mature deliberation, judged, that in the case of Mr. Hindman, there appeared to have been such a want of attention to the rules of this body, and neglect of order, as to afford just ground of uneasiness to the appellants, and to deserve the disapprobation of the Assembly. But inasmuch as acts which have been performed in an informal manner must often, when done, be sustained, the Assembly do hereby sustain the licensure and ordination of Mr. Hindman, while at the same time they enjoin it, in the most pointed manner, on the Synod of Philadelphia, to give particular attention that no Presbytery under their care depart, in any respect, from that rule of the former Synod of New York and Philadelphia.—1792, p. 56.

4. Appeal for refusing to receive an applicant.

A complaint and appeal of the Rev. Thomas Ledlie Birch, against certain proceedings of the Presbytery of Ohio, in the case of Mr. Birch, particularly for refusing to receive him as a member of their body. The appeal was not sustained—1801, pp. 213, 218.

[Note.—See Form of Government, Chap. x, Sec. viii, No. 3, p. 202.]

5. Against an order or decision of a judicatory.

a. An appeal from the Session of the Third Presbyterian Church of Philadelphia from the decision of the Synod of Philadelphia, affirming a decision of the Presbytery of Philadelphia, in which decision the Presbytery required said Session within twenty days from the date of their decision, or after the final determination of the case, to convene the congregation for the purpose of electing a pastor, was determined in the affirmative.—1814, p. 559.

b. The Second Presbytery of Philadelphia appealed against and complained of the act of the Synod of Philadelphia, ordering it to be merged in the Presbytery of Philadelphia. Both appeal and complaint were sustained and the act of the Synod *pro tanto* declared void.—1834, p. 432.

c. The Assembly took up the appeal and complaint of the Second Presbytery of Philadelphia in relation to the decision of the Synod of Philadelphia dissolving them as a Presbytery.

The final vote was taken, first on the appeal, which was sustained, and then on the complaint, which was also sustained.—1836, pp. 273–276.

6. An appeal will not lie against a judicatory for obeying the order of its superior.

Appeal of Rev. Mr. Hummer against the Presbytery of Highland. The last General Assembly passed the following order, viz.: That the General Assembly would take action and give relief in the case of Rev. Michael Hummer, who, having been deposed by the Presbytery of Iowa, had been restored by the Presbytery of Highland against the remonstrance of the Presbytery of Iowa, just as if he was an independent minister.

In answer, the Assembly declares that it is irregular and unconstitutional for any Presbytery to receive and restore a member of another Presbytery who had been deposed, and therefore the action of the Presbytery of Highland, in restoring Mr. Hummer, was improper: and the

Presbytery of Highland is directed to reconsider its action, and proceed according to the requirements of the Constitution.

The report was adopted.

The Presbytery of Highland adopted the following minute:

Whereas, We believe that our action in the reception of Brother Hummer was unconstitutional; and whereas, we have no choice, in view of the direct injunction of the General Assembly; therefore,

Resolved, That we do now proceed to reconsider the action of this Presbytery, by which Mr. Hummer was received into this body.

Resolved, That this action of Presbytery be understood as putting the case into the position it occupied previous to his reception.

Resolved, That Presbytery earnestly advise Mr. Hummer to appeal once more to the Presbytery of Iowa to take up his case, in order that, in the event of their refusal to do him justice, he may appeal to the Synod, and thence, if necessary, to the General Assembly, which resolution was adopted.

Against this proceeding Mr. Hummer appeals.

But it appears that the Presbytery of Highland did nothing more than they were required to do by the General Assembly; that is to say, they reconsidered and set aside the action which the Assembly had declared "irregular," "unconstitutional," and "improper." In the judgment of the Committee, an appeal does not lie in such a case, and they recommend that it be dismissed, and Mr. Hummer have leave to withdraw his papers.

The report was accepted and adopted, and the case dismissed.—1863, p. 35, O. S.

[NOTE.—See, also, in this *Digest*, p. 206.]

7. An appeal dismissed because no evidence is presented to sustain the allegation.

Appeal and complaint of certain persons claiming to be ruling elders of the church at Little Falls *vs.* the Synod of Albany.

That they have examined the records and papers in said case; and although the appeal has been taken in proper form, and after due notice, yet, as there has been presented no evidence to sustain the allegations set forth as grounds of reversal, and as the allegations cannot therefore be tried by the Assembly, the Committee recommend that the said appeal and complaint be dismissed. Adopted.—1861, p. 312, O. S.

Also case of William McElwee *vs.* Synod of Toledo.—1873, p. 509.

8. Appeal will not lie against a refusal to adopt a paper; or to determine a constitutional question in thesi.

The Judicial Committee having had under consideration No. 1, the appeal and complaint of the Rev. Robert J. Breckinridge, D.D., and others, against a decision of the Synod of Philadelphia, on the quorum question; and No. 2, the appeal and complaint of the Rev. R. J. Breckinridge, D.D., and others, against a decision of the Synod of Philadelphia, on the question of the imposition of hands in ordination, report, that in their opinion the Form of Government and Discipline of the Presbyterian Church do not authorize the appellants and complainants to bring before the General Assembly, either an appeal or complaint in the cases referred to. The report was adopted.—1844, p. 366, O. S.

[NOTE.—See Book of Discipline, Sec. lxxxiii, p. 698.]

9. Nor where the judicatory acts within the limits of its power and authority.

The Special Committee, appointed to prepare a minute expressive of the sense of the Assembly in passing the vote in the case of the appeal of Silas Miller from the decision of the Synod of Illinois, recommended the adoption of the following minute:

The Assembly, having heard the appeal of Silas Miller from the decision of the Synod of Illinois, the sentence appealed from and the reasons assigned therefor, the whole record of the proceedings of the Synod in the case, including all the testimony and the reasons of their decision; and having heard the original parties by their counsel, namely, the appellant, by his counsel, Rev. George I. King, D.D., and the Session of the church of Tuscola, by the Rev. Edwin Black; and having also heard the Rev. Livingston M. Glover, D.D., and others, members of the said Synod, in explanation of the grounds of their decision, and having carefully considered said appeal and the reasons assigned therefor by the appellant, are of the opinion that there is no valid ground for the appeal, in that it does not appear that the Synod exceeded its power and authority in the premises, or that it did any of the matters or things specified in Chap. vii, Sec. iii, paragraph 3, of the Book of Discipline (Old), as being proper grounds of appeal; and therefore the Assembly do now order the appeal of said Silas Miller to be dismissed, and the decision of the Synod of Illinois to be confirmed. —1867, p. 516, N. S.

[Note.—See also under Book of Discipline, Sec. lxxxiii, "Of Complaints," p. 697.]

10. Nor where the action was regular and equitable.

Case of M. A. Rockefeller, H. N. Waples and M. E. Starick *vs.* the Synod of Harrisburg.

These persons complain and appeal, because the Synod decided their case without hearing both sides fully, since their representative was absent on the last day of the hearing; and because of injustice, in that the Synod did not regard the embarrassments of their position, and the irregularity of the action of the Session and the Presbytery, from which they appealed.

The Committee learn from the records of the Synod, to which these appellants refer, as their only testimony, that a full hearing was granted, their representative being heard as long as he desired to speak, and in his absence, after having addressed the Synod, another representative was permitted to serve in his place; and all the provisions of the Book were granted the appellants. Moreover, the decision of the Synod, from which the appeal was taken, contained an injunction upon the Presbytery, to enjoin the Session to invite these members of the Church to return to their duties and privileges in the Church, with the assurance that, if they would do so, the action against them should be annulled. The Committee, therefore, fail to find ground for their complaint, for either of the reasons they specify, and recommend that the case be dismissed. Adopted.—1873, p. 509.

11. Nor when the appeal is indefinite and general.

An appeal of E. Bailey Smith from the decision of the Synod of New York, sustaining the decision of the Presbytery of Westchester deposing him from the Gospel ministry. Your Committee report that, having

considered the appeal of E. Bailey Smith, they find the same to be indefinite and general in its character, presenting no specific statement of facts in support of the reasons assigned in the appeal, as cause of complaint against the act of the Synod. They, therefore, recommend that the appeal of E. Bailey Smith be dismissed. Adopted.—1875, p. 511.

12. Where no question of doctrine or law is assigned the appeal not entertained.

[NOTE.—See Form of Government, Chap. xi, Sec. iv; also Chap. xii, Sec. iv.]

a. An appeal of J. H. Rogers from an action of the Synod of Illinois.

Statement of the Case.—Mr. Rogers was suspended from church privileges by the Session of Prospect church, and, being dissatisfied with his sentence, appealed to the Presbytery of Peoria. The Presbytery declined to pass judgment upon the guilt or innocence of Mr. Rogers on the charges preferred, but decided that other conduct of Mr. Rogers, during the progress of his trial, justified his suspension. Mr. Rogers appealed to the Synod of Illinois from the decision of the Presbytery of Peoria on the grounds:

1. That they should have pronounced him guilty or innocent of the charges preferred.

2. That the Presbytery should not have sustained the Session's sentence which was not according to the indictment, but in condemnation of conduct and spirit indulged in during the progress of the trial.

The Synod sustained the appeal of Mr. Rogers in both specifications as a whole, and remanded the case to the Presbytery, with instructions to find a definite judgment according to the evidence, and in a form prescribed by the law of the Church.

Your Committee is not able to discover, in the action of Synod in favor of the appellant, or in the reasons assigned by the appellant, any question of doctrine or law, and, not regarding it within our province to pass judgment upon the merits of the case, we recommend:

That the appeal be not entertained. Adopted.—1885, p. 642.

b. An appeal of Rev. W. W. Campbell from an action of the Synod of Baltimore.

Statement of the Case.—At the joint request of Mr. Campbell and the Grove church, under the care of the Presbytery of Baltimore, the pastoral relation existing between Mr. Campbell and the Grove church was dissolved. The Synod of Baltimore sustained the action of the Presbytery.

Your Committee is of the opinion that the case does not come under the rule determining the character of cases to be judged by the General Assembly, but should be left to the discretion and judgment of the lower courts.

We therefore recommend that the appeal of Rev. Mr. Campbell be not entertained. Adopted.—1885, p. 643.

c. An appeal of Rev. Samuel Storrs Howe from an action of the Synod of Iowa.

Statement of the Case.—Mr. Howe complains that the Synod of Iowa refused his application for aid for a mission chapel and academy.

This case is so evidently out of the province of the Assembly, and so manifestly a case to be decided by the discretion of the lower courts, and of the Boards from which aid is asked, that

The Committee recommends that the appeal of Rev. Mr. Howe be not entertained. Adopted.—1885, p. 643.

d. The complaint of Oakland church, against the Synod of Tennessee.—1888, p. 77.

e. The complaint of Rev. J. W. Cummings and Rev. S. C. Faris to the Synod of Ohio, against the Presbytery of Wooster, for changing the terms of a call without the consent of parties.

. The Committee report that final jurisdiction in the case belongs to the Synod. Adopted.—1886, p. 73.

f. The complaint of certain members of the former Central church, Jacksonville, Ill., to the Synod of Illinois, against the action of the Presbytery of Springfield in uniting the First and Central churches of Jacksonville.

The Committee report that the Synod is the court of last resort in such cases. Adopted.—1886, p. 73.

g. The report of the Judicial Committee, in the case of Rev. N. West against the Synod of Minnesota, was read. Mr. West was heard on the question of the constitutionality of the appeal. The report was adopted. —1888, p. 124.

[NOTE.—See this *Digest*, p. 704.]

h. Complaint of Rev. William M. Campbell against the Synod of Baltimore.

In the judgment of your Committee, this complaint does not involve questions of doctrine or Constitution, and the judgment of Synod being final in all other cases, your Committee recommend that it be dismissed. Adopted.—1891, p. 144.

i. Appeal of A. G. McAuley *vs.* the Synod of Pennsylvania. "This appeal involves no question of Constitution or doctrine," the Committee recommend that it be dismissed. Adopted.—1896, p. 128.

XCVI. Written notice of Appeal, with specifications of the errors alleged, shall be given, within ten days after the judgment has been rendered, to the Clerk, or, in case of his death, absence, or disability, to the Moderator, of the judicatory appealed from, who shall lodge it, with the records and all the papers pertaining to the case, with the Clerk of the superior judicatory, before the close of the second day of its regular meeting next ensuing the date of his reception of said notice.

1. Notice of appeal, with reasons in writing, must be given within ten days after judgment.

a. An appeal of Mr. Benjamin Bell, from a decision of the Presbytery of Geneva, and also an appeal of Mr. Bell from the decision of the Synod of Geneva, were laid before the Assembly by the Judicial Committee. These appeals were both dismissed, on account of the judicatories, from whose decisions they had been taken, not having received due notice from Mr. Bell that he designed to prosecute them before this Assembly.—1821, p. 25.

b. The appeal of Mr. Charles Yale from a sentence of the Presbytery of Bath, deposing him from the Gospel ministry, was taken up and dismissed, because it appeared that Mr. Yale gave notice to said Presbytery that he should appeal to the Synod of Geneva, several days before

he signified his desire to the Moderator of Presbytery to appeal to the General Assembly.—1826, p. 187.

c. *Resolved*, That the appeal [of certain pew owners of the First Presbyterian Church in Troy] be dismissed, on the ground that the Synod has not had the constitutional notice of the reasons of the appeal. —1828, p. 242.

d. Appeal of George Fishbach dismissed because he did not file his reasons within ten days after Synod.—1874, p. 62.

[NOTE.—Under the old Book of Discipline, notice of appeal, with reasons, was given within ten days *after the rising of the judicatory*. See also under Book of Discipline, Sec. lxxxiv, "Of Complaints," p. 714.

2. Evidence required that notice has been given.

a. The Judicial Committee recommend that said appeal be dismissed on the ground that the only paper which appears to be intended as an appeal is without date or signature, or evidence that it was ever before the Synod of Genesee, or lodged with the Moderator of said Synod.—Appeal of Bergen church.—1830, p. 292.

b. The complaint of John Cochran against the Synod of Philadelphia. The complainant had leave to withdraw his papers on the ground that the Committee have no evidence that notice of said complaint was given to the Synod.—1834, p. 434.

c. Protest and appeal of Rev. J. W. Martin against certain action of the Presbytery of Philadelphia North, with regard to the Hermon church, Frankford. The Committee recommend that the protest and appeal be dismissed, for the reason that it does not appear that any notice of the same has been given to the Synod appealed from. Adopted.—1880, p. 68.

d. The records of the Synod of Utica were approved, with the following exceptions:

1. That the Synod issued an appeal from the inferior judicatory, when it appeared before them that an appellant had not given notice in writing that he should appeal, with his reasons assigned for appealing, as required by the Book of Discipline (Old), before the rising of the judicatory appealed from, or within ten days thereafter.

2. That the Synod violated the principles of the Constitution in qualifying the members of the inferior judicatory to ascertain whether an appeal had been given, when the Book of Discipline requires that the appeal shall be lodged in the hands of the Moderator; and further, that the inferior judicatory shall send authentic copies of all the records, and of all the testimony relating to the matter of appeal, up to the Synod, whose duty it is to issue the appeal when found in order, and in accordance with the Book of Discipline.—1840, p. 12, N. S.

3. When a new trial is granted by the superior judicatory, notice must be given by the appellant of his intent to prosecute.

This appeal of Mr. Craighead from a decision of the Synod of Kentucky was taken up, and, being read, it appeared on inquiry that the Synod of Kentucky was not ready for trial, because Mr. Craighead had failed to give them notice that he intended to avail himself of the privilege granted by the last Assembly, by prosecuting his appeal; therefore,

Resolved, That the further consideration of this appeal be postponed, and that Mr. Craighead be informed, that if he wishes to prosecute his

appeal before the next General Assembly, he must give notice of his intention to the Synod of Kentucky.—1823, p. 92.

4. Failure of the judicatory to receive notice does not bar the appellant.

This Assembly are of opinion that Mr. Lowrey complied with the rule of the Book of Discipline, respecting the notice given, in the case of his appeal: but as this notice appears not to have been received by the Synod, they were not censurable for not sending up the records.—1824, p. 115.

[NOTE.—In this case the Assembly satisfied itself that the notice was sent within the ten days after the rising of the judicatory.]

5. Leave to show that notice has been given to the judicatory appealed from.

On motion of E. P. Humphrey, it was

Resolved, That the case be referred to the next General Assembly, with leave to appellants to show them that they gave the Synod notice for an appeal.—Case of Davidson, Koons, *et al.*—1859, p. 540, O. S..

6. On evidence of notice the case reinstated.

No reasons accompany the complaint, and there is no evidence that any notice of complaint was given to the Synod. Complaint dismissed and leave given to withdraw papers.—1865, p. 542, O. S.

The next year the complainant above came before the Assembly by overture or memorial, when action was taken as follows, viz.:

Also Overture No. 21, relating to an appeal of the Rev. L. R. Lockwood, presented by his counsel, Rev. James Remington.

This appeal against the Synod of Iowa, for not sustaining his appeal from the Presbytery of Dubuque, was dismissed by the last Assembly, on the ground that no reason accompanied the complaint, and there was no evidence that any notice of complaint was given to the Synod. Mr. Lockwood now memorializes this Assembly, and alleges that the required notice of appeal was given to the Synod, and that he was then, and still is, prevented from attending the Assembly during its last and present sessions, and he asks that his appeal may be reinstated, and referred to the next Assembly for trial.

The Committee recommend that his request be granted. He further asks that the Assembly direct the Presbytery of Dubuque to grant him a new trial on the ground of new testimony.

The Committee recommend that this application be referred to the Presbytery of Dubuque, to the end that if the new testimony be found of sufficient importance to justify, that Presbytery may afford Mr. Lockwood the relief he asks. But if, in their judgment, a new trial ought not to be granted, that then the appeal shall stand for trial on the record as now existing, before the next General Assembly.

The report was adopted.—1866, p. 72, O. S.

XCVII. The appellant shall appear in person or by counsel before the judicatory appealed to, on or before the close of the second day of its regular meeting next ensuing the date of the filing of his notice of Appeal, and shall lodge his Appeal and specifications of the errors alleged, with the Clerk of the superior judicatory, within the time above specified. If he fail to show to the satisfaction of the judicatory

that he was unavoidably prevented from so doing, he shall be considered as having abandoned his Appeal, and the judgment shall stand.

[NOTE.—The first clause applies equally to complaints. See Sec. lxxxvi, p. 717.]

1. Personal attendance of the appellant is not necessary.

Personal attendance on the superior judicatory is not essential to the regular prosecution of an appeal.—1822, p. 53.

2. Where neither the appellant nor any one in his behalf appears the appeal is dismissed.

a. The complaint of Rev. Henry Davis against a decision of the Synod of Utica, was taken up, and dismissed on the ground that the complainant has not appeared to prosecute his complaint, nor any other person in his behalf.—1834, p. 454.

b. The complaints of Rev. G. Duffield and W. R. de Witt were dismissed on the ground that neither the complainants themselves, nor any person on their behalf, are present to prosecute those complaints.—1835, p. 490; 1864, p. 313, O. S.; 1865, p. 535, O. S.

c. The Committee reports two appeals of the Rev. John W. Ellis, D.D., from decisions of the Synod of the Pacific.

The Committee finds that the papers in these cases are not sufficiently full and explicit to warrant a judicial procedure in this body. And as the appellant is not present, in person or by counsel, and there is doubt whether the facts are such as to authorize an appeal to the General Assembly on constitutional grounds, it is recommended that the appeals be not entertained, and that the papers be returned to the appellant. Adopted.—1892, p. 214.

d. An appeal by H. H. Hammond, E. H. Kerr and L. W. O'Brien against the action of the Synod of Ohio in dismissing the appeal taken by said parties from the action of the Presbytery of Dayton in the matter of said Hammond, Kerr and O'Brien *vs.* Rev. W. F. McCauley, a minister in said Presbytery. Your Committee recommends that the appeal to the General Assembly be dismissed because not in order, the appellants not being present, either in person or by counsel, to prosecute their appeal, as required by Sec. xcvii of the Book of Discipline. Adopted.—1894, p. 128.

e. Complaint of Rev. Donald Fletcher against the Synod of Iowa North for its action taken October 7, 1879, in the matter of his complaint against the Presbytery of Waterloo. The Committee recommend that this complaint be dismissed, on the ground of the failure of the complainant to appear, either in person or by counsel, to prosecute it. Adopted.—1880, p. 68.

f. Appeal of E. C. Battelle *vs.* Synod of Nebraska—*inter alia*—"That no one appears to prosecute the case."—1896, p. 84.

3. In the absence of the appellant the judicatory assigns counsel.

a. The Judicial Committee brought before the Assembly an appeal of Mr. Newton Hawes from a decision of the Synod of Genesee, affirming his suspension from the ordinances of the Church, which suspension had been determined by the church of Warsaw. Mr. Hawes not being present, Dr. Janeway and Mr. Phillips were appointed to defend and support his appeal.—1823, p. 72.

b. The Assembly took up the complaint against the Synod of Virginia

by the Rev. Samuel Houston and Rev. Samuel B. Wilson, reported by the Judicial Committee. The complainants did not appear, but a written communication, containing the reasons of their complaint, was laid before the Assembly. At the request of the complainants, Mr. Weed was appointed to manage their cause in their absence.—1827, p. 210.

4. In the failure of complainant to appear and prosecute, the complaint dismissed and defendant sustained.

The Judicial Committee report the complaint of E. N. Sawyer and others against the decision of the Synod of Chicago, in the case of O. M. Hoagland, as being fallen from by the failure of the complainants to appear and prosecute their complaint. They, therefore, recommend that the complaint be dismissed, and that Mr. Hoagland be considered as entitled to all his former rights and privileges in the church of Hopewell.—1858, p. 276, O. S.

5. Case continued on satisfactory reasons given.

a. The Judicial Committee reported an appeal by Mr. James Taylor, from a decision of the Synod of Pittsburgh, and that the communication of Mr. Taylor gave information that by reason of ill-health he was unable to attend to prosecute his appeal before the present Assembly.

Resolved, That Mr. Taylor have leave to prosecute his appeal before the next General Assembly.—1827, p. 211.

b. A complaint of William M. Lively against a decision of the Synod of New York. Mr. Lively being unable, through sickness in his family, to attend at this time and prosecute his complaint, the Committee recommend that, agreeably to his request, his complaint be referred to the next General Assembly. This report was adopted.—1851, p. 19, O. S.

c. An appeal of Rev. M. Davis, from a decision of the Synod of Memphis, deposing him from the office of the holy ministry. The appellant being unable, by reason of ill health, to attend the sessions of the present Assembly, and desiring, in consequence, the continuance of his cause until the next General Assembly. The report was adopted.—1851, p. 19, O. S.

6. Dismissed as not lodged in time.

a. The Committee report that the complaint of George P. Strong and others, against the Presbytery of St. Louis, was not put into the hands of the Clerk of the Assembly until the third day of its business, it is therefore barred by the rule.

It was dismissed.—1863, p. 23, O. S.

b. Also complaint of Dr. Alfred Nevin, against the Synod of Philadelphia. The complaint did not come into the hands of the Moderator of this Assembly until Monday, the fourth day of the sessions. It is therefore barred by the rule.

Dismissed.—1863, p. 24, O. S.

c. The Judicial Committee reported an appeal and complaint of Rev. Dr. John W. Martin, against the action of the Presbytery of Allegheny City, for alleged irregularity in dissolving a pastoral relation. Also an appeal and complaint of Dr. Martin, against the Synod of Allegheny, in reference to its approval of the minutes of the Presbytery alleged to be defective. Also an appeal from the Synod of Southern Iowa, in the case of Robert Fulton, with the statement, in each of these cases, that the papers were not placed in the hands of the Assembly within the

constitutional time; and, therefore, they recommended, that the appellants have leave to withdraw the papers.

The report was adopted.—1870, p. 106.

d. The Permanent Clerk reported that a complaint had been put into his hands this morning, the ninth day of the session, from Mr. James Dickinson, a ruling elder in the church of Ripley, in the Presbytery of Buffalo.

Resolved, That inasmuch as this complaint was not presented within the constitutional time, the Assembly do not receive it.—1834, p. 429; see also 1837, p. 480.

e. A complaint of Erwin Wheeler and A. Hallstraft, against the Presbytery of Des Moines, in the case of the Rev. Fisk Harmon. The papers in this case were not presented until the fourth day of the sessions of the Assembly, and they are also imperfect. The Committee recommend that the parties have leave to withdraw their papers. The recommendation was adopted.—1872, p. 51.

f. Case of Robert Byers *vs.* the Synod of Illinois South.

The papers in this case did not come into the hands of the Committee until the fourth day of the session, and after parties interested in it had left, having been told that no such papers had come before us within the time prescribed by the book, and we report no action in the case. Adopted.—1873, p. 509.

[NOTE.—See also under "Complaints," Sec. lxxxiv, p. 715.]

7. Right to appeal lost by default of the appellant.

a. An appeal of John F. Severance from, and complaint of, a decision of the Synod of Cleveland at their last meeting, at St. Clairsville, O. As the matter involved was adjudicated more than two years ago, and the complainant suffered his right of appeal to be lost by default, and cannot now reclaim it, and as he also failed to appear and prosecute his case, as required by Chap. vii, Sec. iii. Art. xi, of the Book of Discipline (Old), for which failure he has made no apology and given no reasons, the Committee recommended that the case be dismissed. Approved.—1879, p. 589.

b. *Whereas*, in Judicial Case No. 4, as reported by the Judicial Committee of 1878, and referred, by consent of parties, to this Assembly, being an appeal of Mrs. Anna B. Harris from a decision of the Synod of Missouri, no steps have been taken by the appellant to prosecute the appeal before this Assembly; therefore,

Resolved, That the case be dismissed.—1879, p. 618.

8. The appellant must furnish the necessary documents.

a. The Judicial Committee reported that they had had under their consideration papers marked "Benjamin Bell's Appeal," which purports to be an appeal from a decision of the Synod of Geneva; but there has been laid before the Committee no copy of the decision appealed from, no appeal, nor reasons of the appeal, nor indeed anything but Mr. Bell's plea, intended by him to be laid before the Assembly; wherefore the Committee requested to be discharged from further consideration of this case.

The request of the Committee was granted, and they were accordingly discharged.—1822, p. 45.

b. The Judicial Committee reported that they had before them an

appeal of Mr. Benjamin Bell, and requested that they be discharged from any further consideration of this appeal, inasmuch as Mr. Bell has presented no documents but his plea, and no notice of this appeal is to be found on the records of the Synod of Geneva; and their request was granted.—1823, p. 87.

9. Deferred in the absence of necessary documents.

Mr. Bourne's petition states a decision to have passed against him in the Lexington Presbytery, which by a supplementary paper, he says, was on the 27th of December last, and contained a sentence of deposition, from which, on the next day, he gave notice to the Presbytery that he claimed an appeal to the General Assembly. By his affidavit, taken before an alderman of this city, he further declares, that he, by the permission of the Presbytery, transcribed the minutes of their proceedings; that he afterward wrote in form what he denominates an appeal (meaning, it is presumed, his causes of appeal), and transmitted it to the Clerk of the Presbytery with a demand of the copy of the records, and of that paper; but that he had received a letter from the Clerk refusing to remove them from the post-office. By his petition, he asks to prosecute his cause before the Assembly, without having first brought his case before the Synod of Virginia; and that if such hearing cannot be granted him at present, that the Assembly will assign him a day. Whereupon,

Resolved, 1. That inasmuch as the records of the Lexington Presbytery, the names of the parties to the suit, the charges made before them in writing against Mr. Bourne, the depositions of the witnesses, and other written documents, are not before the Assembly; and as every principle of equity forbids a process in the absence of documents so essential to its being rightly conducted—prayer for a hearing at this time cannot be granted.—1816, p. 626.

[Note.—The appeal was taken up and issued.—1817, pp. 644, 646.]

10. Where the appeal was in the house in season, the rule is virtually complied with.

The Chairman of the Judicial Committee stated to the Assembly that an appeal had been put into his hands from Duncan Hamilton and his wife, from a decision of the Synod of Pittsburgh, which appeal had not been reported to the Clerk of the house, and asked the direction of the Assembly in the case. On inquiry, it appeared this appeal was in the house in season; and the persons to whom it was entrusted were not aware of the constitutional rule requiring that it be lodged with the Clerk.

Resolved, That, in the opinion of the Assembly, the rule has virtually been complied with.—1830, p. 302.

11. The rule interpreted liberally where due diligence has been used.

That, in examining the papers and records in the matter so referred, your Committee find as follows:

1. That although, in bringing the case before the General Assembly, there are some mistakes and omissions in the required forms of procedure, such has been the good faith and diligence of the complainant and such would be the manifest and irretrievable injury he must experience if his complaint be dismissed, that your Committee believe that, according to the spirit of our Book of Discipline (Old), the complaint is properly

before this body. That, in proof of the good faith and diligence of the complainant, it appears, that he was advised, by one of the oldest members of the Synod, to lodge his complaint in the hands of the Stated Clerk; that, according to the certifying of the Stated Clerk, the complaint was directed to him within the time prescribed by the Book of Discipline; and that the Stated Clerk of the Synod, when receiving the notice, believing it to be properly directed, neither informed the Moderator of it, nor advised Mr. Todd of any mistake in its direction; but informed other members of the Synod of the complaint, and finally put all the documents into the hands of the commission to this Assembly, to place them in due form before it. Your Committee are also assured, that Mr. Todd wrote to the Stated Clerk, two or three days previous to the opening of the Assembly, earnestly requesting that the papers might not fail of coming before the Assembly; and, also, that he expressed the desire that, if his presence were necessary, he might be notified of it by telegram.—1863, p. 278, N. S.

12. In the absence of records through the non-attendance of the commissioner, the appeal received and referred.

The appeal of Rev. C. J. Abbott against the action of the Synod of Missouri. The Committee reported as follows:

The Committee are verbally informed, that this case originated in the Presbytery of St. Louis, upon charges preferred by common fame against the appellant. The charges were sustained in the Presbytery, and on appeal to the Synod were also sustained by the Synod of Missouri.

The Committee were also verbally informed, that an appeal was taken from the action of the Synod, which in due course ought to have been presented to the last Assembly; that the record was forwarded to the city of Philadelphia, but in consequence of the absence from that body of the commissioner to whose care the record was committed, it failed to be presented; and the appellant now asks that his appeal may be entered, and that it be referred to the next General Assembly for trial. Adopted. —1862, p. 608, O. S.

13. Where the appeal failed to be lodged in due time through mistake of the appellant, it was entered and referred.

The appeal of Rev. John Turbitt from the decision of the Synod of Illinois, by which the action of the Presbytery of Peoria, in deposing the appellant, was affirmed.

The Committee reported as follows:

This appeal appears to have been regularly taken, but was not lodged with the Clerk of this Assembly before the close of the second day's sessions (see Discipline [Old], Chap. vii, Sec. iii, Sub-sec. vii). The Committee have reason to believe that the appellant was under the impression that the present meeting of this Assembly was to be at Dayton, in this State, and by forwarding his papers to that place they were delayed, so that they were not received here until after the end of the fourth day's sessions. Under these circumstances, the Committee recommend that the appeal be docketed. And as it satisfactorily appears to the Committee that the appellant has been providentially hindered from attendance at this session, they further recommend that the case be deferred to the next Assembly for trial.

The report and recommendation were adopted.—1862, p. 611, O. S.

14. Where the case is continued at the request of the appellant, the sentence remains in full force until the case is issued.

The Judicial Committee reported that a paper had been put into their hands, purporting to be a request from Mr. C. H. Baldwin, to the Moderator of the Assembly, that his appeal from a decision of the Synod of Genesee be continued to the next General Assembly, and offering reasons for his failure to appear and prosecute it. It appears from the Book of Discipline (Old), Chap. vii, Sec. iii, Art. xi, that his case is regularly before us for reference to the next General Assembly, if his excuse for now failing to appear shall be deemed sufficient.

The Committee recommend that the Assembly, in view of the reasons offered, and out of a desire to grant the appellant every reasonable indulgence, continue his case agreeably to his request, it being understood that the sentence of the Presbytery remain in full force against him till the case be finally issued, in accordance with the provisions of our Book of Discipline (Old), Chap. vii, Sec. iii, Art. xv.

The report was adopted.—1858, p. 580, N. S.

15. Dismissed in absence of appellant with privilege of renewal.

a. The appeal of Dr. James Snodgrass against a decision of the Synod of Pittsburgh was called up, and the appeal was dismissed on the ground that the appellant has not appeared, either in person or by proxy, to prosecute said appeal.

The Assembly, however, give to Dr. Snodgrass the privilege of prosecuting his appeal before the next General Assembly, if he can then show sufficient cause for its further prosecution.—1832, p. 376.

b. In regard to a future prosecution of his appeal, the appellant must present his case, with reasons for previous failure, before the next General Assembly, whose province it will then be to decide upon the whole subject.—1850, p. 463, O. S.

[Note.—Case of A. G. Fraser.]

16. Where an appeal has been dismissed by error, the Assembly grant a restoration when satisfied of the error.

The consideration of the report of the Committee to which had been referred the Rev. T. B. Craighead's letter was resumed, and the report was adopted, and is as follows, viz.:

In the year 1811, an appeal from a decision of the Synod of Kentucky, by T. B. Craighead, accompanied by a letter from the same, was laid before the General Assembly. But Mr. Craighead not appearing in person to prosecute his appeal, permission was given by the Assembly, on the last day of their sessions, to the members of the Synod of Kentucky, who were present, to enter a protest against the prosecution of the aforesaid appeal, at any future time. This was supposed to be required by a standing rule of the Assembly. The appeal of Mr. Craighead was therefore not heard, and the sentence of the Synod of Kentucky was rendered final.

It moreover appears, that the General Assembly of the year aforesaid, having adopted the protest of the members of the Synod of Kentucky as their own act, did declare that Mr. Craighead had been deposed, whereas the decision of the Synod was suspension; and, although the Synod did direct the Presbytery to which Mr. Craighead belonged to depose him, if he did not, at their next stated meeting, retract his errors, yet this

sentence could not have been constitutionally inflicted, because Mr. Craighead appealed from the decision of Synod, the effect of which was to arrest all further proceedings in the case, until the appeal should be tried; therefore the sentence of the Assembly declaring Mr. Craighead deposed does not accord with the sentence of the Synod, which was suspension.

From the above history of facts, your Committee, while they entirely dissent from many of the opinions contained in Mr. Craighead's letter, and consider its publication before it was presented to the Assembly indecorous and improper, are of opinion, that he has just ground of complaint in regard to the proceedings of the General Assembly of 1811 in his case, and that the construction put on the standing rule of the Assembly was not correct; for personal attendance on the superior judicatory is not essential to the regular prosecution of an appeal. Moreover, the sentence of the Assembly, being founded in error, ought to be considered null and void, and Mr. Craighead ought to be considered as placed in the same situation as before the decision took place, and as possessing the right to prosecute his appeal before this judicatory.

Ordered that the Stated Clerk forward to Mr. Craighead a copy of the foregoing minute.—1822, p. 52.

17. The original rule as to abandonment of an appeal.

On motion *Resolved*, That in case of an appeal or complaint entered in an inferior judicatory to a superior, if the appellant or appellants do not appear at the first meeting of the superior judicatory, protest may be admitted, at the instance of the respondents, at the last session of such meeting, that the appeal is fallen from, and the sentence so appealed from shall be considered as final.—1791, p. 39; see 1791, p. 45.

Examples of the operation of the rule.

a. The Committee to which was referred the letter and appeal of the Rev. Thomas B. Craighead reported that, after having carefully attended to the duty assigned them, they did not discover any sufficient reason why he has not come forward to prosecute his appeal before the Assembly, nor why his case should not now be brought to issue; and therefore recommend that the representation from the Synod of Kentucky be permitted, if so disposed, to enter their protest in proper time against a future prosecution of his appeal, and thus give effect to a standing order of the General Assembly, that the sentence of the Synod be considered as final.

Resolved, That the foregoing report be accepted, and that Mr. Craighead be furnished with an attested copy of this decision in his case.

The members of the Synod of Kentucky brought forward their protest, which being read, was accepted, and is as follows:

The Rev. Thomas B. Craighead having appealed to the General Assembly from a decision of the Synod of Kentucky, made in the month of October last, by which decision the said Synod directed the Presbytery of Transylvania to depose the said Thomas B. Craighead from the Gospel ministry, which was done accordingly, and whereas the said Mr. Craighead has not prosecuted his appeal to the General Assembly, and the subscribers, members of the Synod of Kentucky, have waited till the last day of the sessions of the Assembly, to afford opportunity for the prosecution of said appeal; we do, therefore, now protest in our own

name, and on behalf or the Synod of Kentucky, against the future prosecution of said appeal, and declare the sentence of the Synod final, agreeably to a standing order of the General Assembly. Adopted.—1811, p. 481.

b. From the records of the Synod of Kentucky, it appeared that Guernsey G. Brown had appealed from a decision of that body in his case to the General Assembly. As Mr. Brown has not appeared to prosecute his appeal, and the commissioners from the Synod of Kentucky required that his absence may, according to a rule of the Assembly on the subject, preclude him from a future hearing; therefore,

Resolved, That Guernsey G. Brown be considered as precluded from prosecuting his appeal.—1821, p. 30.

c. The appeal of Benedict Hobbs from a decision of the Synod of Kentucky was taken up, and the appellant not being present to prosecute his appeal, it was dismissed, and the sentence of the inferior court affirmed.—1834, p. 452.

d. The appeal of Chloe G. Giles, from a decision of the Synod of Utica, was taken up, and the appellant not being present to prosecute her appeal, it was dismissed, and the sentence of the inferior court affirmed.—1834, p. 452.

e. An appeal of Mr. Thomas Davis from a decision of the Synod of Memphis. The Committee recommended the following action in this case, viz.:

Whereas, Mr. Thomas Davis has failed to appear before this Assembly to prosecute his appeal from the Synod of Memphis; therefore,

Resolved, In accordance with the rule of the Book of Discipline (Old), in this case provided, that his appeal be dismissed from the further attention of this body.—1852, p. 212, O. S.

XCVIII. Neither the appellant, nor the members of the judicatory appealed from, shall sit, deliberate, or vote in the case.

1. The Moderator, being a member of the judicatory appealed from, will not sit.

a. *Resolved*, That no minister belonging to the Synod of Philadelphia, nor elder who was a member of the judicature when the vote appealed from took place, shall vote in the decision thereof by this Assembly.

The Moderator, being a member of the Synod of Philadelphia, withdrew, and Dr. McKnight took the chair.—1792, p. 56.

b. The appeal of Mr. Pope Bushnell was resumed. The Moderator being a member of the Synod appealed from, Mr. Jennings, the last Moderator present, took the chair.—1826, p. 184.

c. Judicial Case No. 1 was taken up. The Moderator being a party in the case, vacated the chair, and on motion, Dr. Krebs was requested to act as Moderator during the trial of the case.—1866, p. 48, O. S.

d. The Moderator, on the ground of his being a member of the Synod complained of, voluntarily relinquished the chair, while this case should be pending.—1852, p. 164, N. S.

2. An interested party should not sit on a trial.

The records of the Synod of Genesee were approved, with the following exception: Of a decision of the Moderator, recorded on p. 151, that a member of a Synod, who might be interested in a case under trial,

cannot be challenged; which decision is unconstitutional, and ought to be reversed by that Synod.—1846, p. 20, N. S.

3. Members of the judicatory appealed from may not vote.

a. The Synod of Mississippi acted unconstitutionally in permitting the Presbytery of Louisiana to vote on the adoption of the report of the Judicial Committee on the complaint of Rev. Mr. Smylie.—1850, p. 481, O. S.

b. The action of the Synod of Harrisburg in the complaint of Ebenezer Erskine declared irregular and unconstitutional, *inter alia*, "3. Because the Presbytery of Carlisle was allowed to vote in the case, contrary to the Book of Discipline (Old), Chap. vii, Sec. iv, Sub-sec. vii."—1874, p. 74.

c. The Judicial Commission presented its finding in the judicial case of Lee *vs.* the Synod of Missouri, and the same was ordered to be entered on the record. The report is as follows:

The Judicial Commission, to which was referred the appeal of the Rev. William J. Lee, D D., by his counsel, Hon. Selden P. Spencer, from the action of the Synod of Missouri, in refusing to entertain the appeal from the judgment of the Presbytery of St. Louis, beg leave to report:

That without entering upon the merits of the case as determined by the Synod, we sustain the appeal upon grounds of irregularities in the mode of procedure; first, in that the members of the Presbytery of St. Louis were permitted to vote on the question of an appeal from their own judgment, and, second, in that no reason is assigned for refusing to entertain the appeal; and the case is hereby remanded to the Synod of Missouri, with an injunction that the question of entertaining the appeal from the judgment of the Presbytery of St. Louis be reconsidered and acted upon in a regular and constitutional manner.—1897, p. 95.

[NOTE.—Applies also to "Complaints," Sec. xc, p. 719.]

4. Members of a judicatory appealed from may speak on postponement.

Appeal and complaint of R. S. Finley, etc., against the Synod of New Jersey.

A motion was made by James Hoge to postpone the trial of this cause to the next General Assembly.

This motion was discussed at length, the Moderator deciding, in the course of the discussion, that the members of the Synod of New Jersey might speak on such a motion.—1858, p. 291, O. S.

5. An elder belonging to the judicatory appealed from, though not a member of the judicatory when the case was issued, may not sit.

A question was raised by Mr. Cunningham, an elder from the Synod of Philadelphia, who was not a member of Synod at the meeting at which the case of Mr. Barnes was tried and issued, whether he has a right to vote in this case in the Assembly. After some discussion, the Moderator decided that Mr. Cunningham, and any other members of the Assembly from that Synod similarly situated, have a right to vote in the Assembly. From this decision of the Moderator an appeal was taken, when, by a vote of the Assembly, the decision of the Moderator was not sustained, and it was decided that Mr. Cunningham, and others

similarly situated, have no right to vote on the case in the Assembly.—1836, reprint, p. 524.

6. Ministers who have been dismissed to other bodies before the action complained of are not excluded.

A motion was made that Dr. Skinner and Mr. Dashiell, who, at the time the trial was commenced in the Second Presbytery of Philadelphia, were either not dismissed from that body, or had not yet connected themselves with any other, though they did not meet with the Presbytery, and before the meeting of Synod were members of other Presbyteries, should not sit in judgment in the case of Mr. Barnes. This motion was decided in the negative.—1836, reprint, p. 524.

7. A case is remanded where members of the judicatory appealed from act in their own case.

Cases of Mr. Jefferson Ramsey and Rev. Andrew B. Cross *vs.* the Synod of Baltimore.

The persons named appeal from a decision of the Synod, by which a complaint of Mr. Ramsey against the Presbytery of New Castle, and one of Mr. Cross against the Presbytery of Baltimore, were dismissed as having no ground, on report of the Judicial Committee of the Synod.

Your Committee learn from the records of the Synod that one clergyman and one layman respectively from each of these Presbyteries were members of the Judicial Committee; that the Moderator of the Synod was a member of the Presbytery of New Castle, and the Moderator, *pro tem.*, who was in the chair at the time of the action complained of, was a member of the Presbytery of Baltimore; that the case was not stated in any form to the Synod, but when the Judicial Committee reported, in each case, that there was no ground of complaint, their report was adopted under the call for the previous question. From all these facts, the Committee are of opinion that the cases should be readjudicated by the Synod of Baltimore, and so recommend to the Assembly. Adopted.—1873, p. 508.

XCIX. When due notice of an Appeal has been given, and the Appeal and the specifications of the errors alleged have been filed in due time, the Appeal shall be considered in order. The judgment, the notice of Appeal, the Appeal, and the specifications of the errors alleged, shall be read; and the judicatory may then determine, after hearing the parties, whether the Appeal shall be entertained. If it be entertained, the following order shall be observed:

(1) The record in the case, from the beginning, shall be read, except what may be omitted by consent.

(2) The parties shall be heard, the appellant opening and closing.

(3) Opportunity shall be given to the members of the judicatory appealed from to be heard.

(4) Opportunity shall be given to the members of the superior judicatory to be heard.

(5) The vote shall then be separately taken, without debate, on each specification of error alleged, the question being taken in the form: "Shall the specification of error be sustained?" If no one of the

specifications be sustained, and no error be found by the judicatory in the record, the judgment of the inferior judicatory shall be affirmed. If one or more errors be found, the judicatory shall determine, whether the judgment of the inferior judicatory shall be reversed or modified, or the case remanded for a new trial; and the judgment, accompanied by a recital of the error or errors found, shall be entered on the record. If the judicatory deem it wise, an explanatory minute may be adopted which shall be a part of the record of the case.

[NOTE.—Sec. lxxxvii provides that "in cases of complaint involving a judicial decision, proceedings in an appellate judicatory shall be had in the order and as provided in Sec. xcix, Chap. iv, entitled "Of Appeals."

For decisions as to due notice of appeal, and the filing of the appeal and specifications in due time, see under Sec. xcvi, p. 729; also under Sec. lxxxiv, "Of Complaints," p. 714.

Under the former Book it was held by many that when an appeal or complaint was "found to be in order" it must necessarily be tried. The Assembly of 1874, p. 74, decided "that the action of the Synod of Harrisburg in dismissing without trial the complaint of the Rev. Ebenezer Erskine against the Presbytery of Carlisle, is hereby declared irregular and unconstitutional, for the following reasons: 1. Because the Synod dismissed the case without trial, after having admitted that the papers were in order."

On the other hand, appeals and complaints found to be in order have been dismissed for reasons assigned, *e. g.*, case of Mr. Smylie, 1847, O. S., p. 385; below, Sec. xcix, 3, 1874, p. 62; because the decision of another case covered the one presented.

1878, p. 117. The complaint of the Rev. Drs. N. West and Thomas H. Skinner against the Synod of Cincinnati: The papers are found in order, and an order of trial adopted. But, p. 118, leave was given the complainants to withdraw their complaints, "the ground of said complaint having been virtually covered by the report of the Committee on the Records of the Synod of Cincinnati." See this *Digest*, p. 707.

1881, p. 586. Complaint of the Rev. Arthur Crosby *vs.* the Synod of Long Island. The Committee (Judicial) find the papers in order, but recommend that the complaint be dismissed, for reasons assigned. See this *Digest*, pp. 702–703.

Under the present rule the judicatory, after hearing the parties, may determine whether the appeal shall be entertained.—M.]

XCIX. When due notice of an Appeal has been given, and the Appeal and the specifications of the errors alleged have been filed in due time, the Appeal shall be considered in order. The judgment, the notice of Appeal, the Appeal, and the specifications of the errors alleged, shall be read; and the judicatory may then determine, after hearing the parties, whether the Appeal shall be entertained.

[NOTE.—For convenience, the principal parts of Sec. xcix are printed separately. The entire Section is given above on p. 741.]

I. INITIATION OF PROCEEDINGS.

1. The appeal or complaint is transmitted to the Judicial Committee.

All complaints and appeals shall be transmitted by the Stated Clerk to the Judicial Committee.—Standing Order No. 7, 1897, p. 263.

2. The Judicial Committee and its duties.

In all cases before a judicatory, where there is an accuser or prosecutor, it is expedient that there be a Committee of the judicatory appointed (provided the number of members be sufficient to admit it without inconvenience), who shall be called the "Judicial Committee," and whose duty it shall be to digest and arrange all the papers, and to prescribe, under the direction of the judicatory, the whole order of proceedings. The members of this Committee shall be entitled, notwithstanding their performance of this duty, to sit and vote in the cause as

members of the judicatory.—Rules for Judicatories, No. 41, p. 269, this *Digest*.

3. In the absence of records, the decision of the appeal should be suspended. Parol evidence will not supply the place of the records.

In the case of Samuel Lowrey (see 1823, p. 92) it appeared on inquiry that neither the records of the Synod of Ohio nor the records of the Presbytery of Miami were brought to the Assembly; but as the delegates belonging to the Synod admitted it to be a fact, as stated in Mr. Lowrey's appeal, that the Presbytery of Miami did appoint a special session, composed of elders belonging to different congregations, for the purpose of trying Mr. Lowrey, and that the decision of such a special session was affirmed by the Synod of Ohio; therefore,

Resolved, That the appeal of Mr. Lowrey be sustained, and it hereby is sustained.—1823, p. 92.

Against this decision the Synod of Ohio memorialized the Assembly, and the Assembly *inter alia* declare:

This Assembly are of opinion that the correct mode of proceeding for the last General Assembly, would have been, to have suspended a decision on the appeal, until the records of the inferior judicatories should have been present, because the rules in our Form of Government prescribe, that before a judgment is given, all the proceedings of the inferior judicatories in the case should be read and it is a sound maxim, generally admitted in courts of justice, that the best evidence which the case admits of should be required, which, in all trials, is undoubtedly the record of the judicatory. But while they entertain this opinion of the mode of proceeding, they believe that the decision of the last General Assembly was substantially correct, and was not different from what it would have been if they had had all the proceedings of the inferior judicatories before them; for the fact on which they founded their judgment has been fully confirmed to this Assembly, by the records which have been read in the discussion of the case.—1824, p. 115.

[Note.—See under Book of Discipline, Sec. xcii, p. 719.]

4. The appeal (or complaint) found in order.

a. The Judicial Committee presented its report in the case of The Presbyterian Church in the U. S. A. *vs.* Rev. Charles A. Briggs, which was accepted, as follows:

The Judicial Committee respectfully reports that it has carefully considered the documents submitted to it in this case, and adopted the following resolutions:

1. That, in the opinion of this Committee, the appeal taken by the Presbyterian Church in the United States of America, an original party represented by the "Committee of Prosecution," appointed under Section xi of the Book of Discipline, has been taken from the final judgment of the Presbytery in dismissing the case; and that the said Committee had the right to take this appeal representing the said original party.

2. That it finds that the notice of the appeal has been given, and that the appeal, specifications of error, and record have been filed in accordance with Sections xcvi and xcvii of the Book of Discipline, and the appeal is in order.

3. That in the judgment of the Committee, the appeal should be entertained, and a time set apart for the hearing of the case.

In view of these considerations, the Committee reports that the appeal is in order, and that the General Assembly should proceed in accordance with the provisions of Section xcix of the Book of Discipline, by causing the judgment appealed from, the notice of appeal, the appeal, and the specifications of the errors alleged, to be read; then to hear the appellant by the Committee of Prosecution; then the defendant in person, or by his counsel; then the appellant by the Committee of Prosecution in reply, upon the question "whether the appeal shall be entertained?"—1892, p. 90.

So much of this report as relates to the appeal being found to be in order, was adopted.—1892, p. 118.

b. The Judicial Committee presented a report in the case of the Presbyterian Church in the U. S. A. *vs.* the Rev. Charles A. Briggs, D.D., being Judicial Case No. 1. It was

Resolved, That the General Assembly finds that due notice of appeal in this case has been given, and that the appeal and the specifications of the errors alleged have been filed in due time, and that the appeal is in order in accordance with the provisions of the Book of Discipline. Adopted.—1893, p. 70.

c. The Judicial Committee, in the matter of Judicial Case No. 1, begs leave to report:

In the case of the Presbyterian Church in the United States of America against Rev. Henry Preserved Smith, D.D,, being the appeal to the General Assembly from the decision, action and judgment of the Synod of Ohio, rendered October 13, 1893, we have examined the papers and conferred with the parties.

We find that the appellant is Rev. Henry Preserved Smith, D.D., and as such appellant he has the right to appeal to the General Assembly, the case being one of that nature in which the appeal may be taken to the highest court of the Church, and we find that the Committee to conduct the prosecution appointed by the Presbytery of Cincinnati, in which Presbytery the case arose, has the right to conduct the prosecution, and hence to appear for the Presbyterian Church, the appellee in this court.

The notice of appeal has been timely and duly given, and the appeal and specifications of error alleged and the record in the case filed, all in accordance with the provisions in the Book of Discipline, and said appeal is found to be in order.

In our conference with both parties it has been agreed by both parties respectively, that the reading of the record in the case be omitted and waived, except such parts thereof as either party may deem necessary to read in person, and also that their respective arguments on the entertainment of the appeal be omitted. The Committee, therefore, recommends that the appeal be entertained. Any discussion on the question whether the appeal should be entertained will require the opening of the whole case, which would require somewhat of a repetition of the trial proper. The parties having agreed to waive, being heard on that question before the Assembly, it is understood that the parties shall be at liberty to argue the whole case on the merits of the question of sustaining the appeal, which would include, naturally, any questions, not purely formal or technical, which would arise on the question of entertaining the appeal. This waiver by the parties of their right to be heard orally

before the Assembly on that first question, is all to this end, that by the Assembly deciding at once to entertain the appeal, time may be saved, a double presentation of the same statement of the merits avoided, and no party be prejudiced or lose any right, by going at once to the merits of the main questions involved. The recommendation which we make as to time to be allowed to the parties is made after full consultation with the parties. The Committee, therefore, recommend the adoption of the following:

Resolved, 1. That the General Assembly finds that due notice of the appeal in the case has been given, and that the appeal and specification of the errors alleged have been filed in due time, and that the appeal is in order in accordance with the Book of Discipline.

Resolved, 2. That after the judgment, notice of appeal, appeal and specifications of errors have been read, the Assembly shall by its vote determine whether the appeal shall be entertained.

Resolved, 3. That the General Assembly having first decided to entertain the appeal, the appellant shall have three hours to present his case, that the appellee be allowed four hours to present the case of the appellee, that the appellant have one hour to close, that one hour be given to the Synod of Ohio, the judicatory appealed from, due regard being had to the hearing of both sides alternately, that the roll be called to give the members of the Assembly an opportunity to be heard, not longer than three minutes each, no speaker to speak more than once unless the Assembly shall otherwise order, and that thereafter the vote shall be taken upon each specification of error alleged, the form of the question being: Shall this specification of error be sustained? Adopted.—1894, pp. 90, 91.

5. The judgment, notice of appeal, etc., read.

Case of Charles A. Briggs, D.D.:

The judgment, the notice of appeal, the appeal, and the specifications of the errors alleged were read, as directed in the Book of Discipline, Sec. xcix, by the Stated Clerk.—1892, p. 118.

[NOTE.—See also case of Dr. C. A. Briggs, 1893, p. 70; of Dr. H. P. Smith, 1894, p. 91; of Burt Estes Howard; J. C. Salisbury; and William P. Craig, 1896, p. 48; and of David R. Breed, D.D., 1896, p. 84.]

6. The appeal entertained.

Case of Dr. Charles A. Briggs:

The Assembly determined, after hearing the judgment, the notice of appeal, the appeal, and the specifications of the errors alleged, that the appeal shall be entertained.—1892, p. 119; 1893, p. 95.

[NOTE.—See also cases of Dr. H. P. Smith, 1894, p. 91; of Burt Estes Howard; J. C. Salisbury; and W. P. Craig, 1896, p. 48; and of David R. Breed, D.D., 1896, p. 84.]

II. READING THE RECORD.

If it be entertained, the following order shall be observed:

XCIX. (1) The record in the case, from the beginning, shall be read, except what may be omitted by consent.

1. Reading of the documents by consent dispensed with.

a. The Assembly entered on the consideration of the two appeals of the Rev. Robert B. Dobbins, from the decision of the Synod of Ken-

tucky, in the cases of the Rev. William L. Maccalla, and the Session of the Church of Augusta. The Rev. Dr. E. S. Ely appeared in behalf of Mr. Dobbins. The parties were heard until they declared themselves satisfied (the facts having been admitted by them, and the reading of the documents by consent dispensed with). The roll was then called, that the members of the Assembly might express their opinions on the subject; after which Drs. Wylie, M'Dowell and Leland were appointed a Committee to prepare a minute on the subject.—1824, p. 120.

b. On the questions of the reading of the record of the case, and as to what constituted said record, it was

Resolved, That the record as certified by the Stated Clerk of the Presbytery of New York be read, or agreed to be considered as read by the appellant and the appellee, and that the parties be heard afterwards upon their objections to the record or any part of the same, as certified, without any waiver of their rights as to the said record being made, by their having consented to the record as certified, being read, or considered as read. It was also

Resolved, That it is the judgment of the General Assembly that we cannot here correct the records of the Presbytery of New York in this case, and that having heard objections and contra-objections to these records, we refer the parties to the Presbytery of New York as the only body having the right and power to hear objections and make corrections; and that we accept the written records in this case; and that the official stenographic report be considered part of the record.

The Hon. Jason W. Strevell gave notice that in due time he would enter his protest against the above decision.

The appellant and appellee consented to waive the reading of the record of the case, and agreed to submit said consent in writing to-morrow morning.—1892, pp. 119–120.

[NOTE.—Case of Charles A. Briggs, D.D., 1892.]

c. The Judicial Committee presented a report recommending the following order in the determination of the appeal, which has been entertained by the General Assembly, in Judicial Case No. 1. The report was adopted, and is as follows:

Resolved, 1. That inasmuch as the reading of the record in the case has been, by consent of parties, omitted, except such parts thereof as they may deem necessary in presenting their respective arguments, the parties shall at once be heard, the appellant opening and closing the case, four hours and a half being allowed to the appellant and seven hours to the appellee.

Resolved, 2. That the members of the judicatory appealed from, namely, the Presbytery of New York, shall then be heard, two hours being allowed for this purpose, and ten minutes being granted to each speaker, it being understood, however, that any member shall have the privilege of yielding his time to another member.

Resolved, 3. That the members of the General Assembly shall then be heard for two hours, speakers to be limited to ten minutes, according to the standing rule.

[NOTE.—This third resolution declared unconstitutional. See p. 750.]

Resolved, 4. That thereafter the vote shall be taken upon each specifi-

cation of error alleged, the form of the question being, "Shall this specification of error be sustained?"—1893, p. 132.

[NOTE.—Case of Charles A. Briggs, D.D., 1893. See, also, cases of Burt Estes Howard and of J. C. Salisbury *et al.*, 1896, pp. 132, 133. Complaint of William P. Craig, 1896, p. 152; complaint of David R. Breed, D.D., 1896, pp. 90, 91.]

2. Certified copies distributed by consent.

a. Appeal of the Rev. Isaac M. See from a decision of the Synod of New Jersey. This is in order.

The papers are present in pamphlet form, certified by the Stated Clerk of the Synod to be correct, and accepted by the appellant. A copy of this pamphlet will be furnished to each member of the Assembly, and the Committee recommend that this distribution be in place of reading the records. Adopted.—1878, p. 22.

b. Appeal of the Rev. John Miller from a decision of the Synod of New Jersey. The whole proceedings of the Synod in the case are in print, certified by the Stated Clerk, and will be distributed among the members of the Assembly.

The Committee recommend that this distribution be in place of the reading of the records, all parties having consented thereto; that the order of procedure in the argument be as laid down in the Book, the appellant having the right to close, but not to introduce new matter; and that the time allowed for argument by the parties do not exceed four hours, to be divided equally. Adopted.—1878, p. 28; also pp. 32, 53.

3. Matters foreign to the issue may by consent be omitted in the reading.

a. *Resolved*, That in reading the minutes of Lexington Presbytery, the names of the voters in calling the yeas and nays be omitted, unless called for by one or other of the parties litigant; and that the proceedings of Presbytery, in reference to other matters foreign to the issue before us, be also omitted, unless called for specially by one of the parties.—1848, p. 30, O. S.

b. The Assembly then proceeded to take up the business, according to the recommendation of the Judicial Committee. After the usual admonition, read from the Book, to the members in their judicial capacity, the papers were read, according to the constitutional order; and after all the papers presented by the Committee had been read, a recess was taken for half an hour.

After the recess, George Howe moved that the whole records of the Presbytery in relation to the case now before the Assembly be read.

This motion was carried, and the minutes of the Presbytery of Elizabethtown were accordingly read, in everything pertaining to the case, until it was carried by appeal to Synod of New Jersey; the Moderator deciding that any subsequent record should not be read.—1858, p. 291, O. S.

4. Documents not read may be used in pleading.

In the appeal of Alexander Frazer, against the Synod of Buffalo, the course required in the Book for conducting appeals was then pursued; and at the third stage of the proceedings, a question having arisen as to the reading of certain printed pamphlets as a part of the evidence, it was

Resolved, That in the judgment of the Assembly it is not necessary to read the pamphlets *in extenso*, but counsel can make such use of them as they see fit in the course of their argument.—1859, p. 542, O. S.

5. Reasons assigned by an appellant must be recorded. They must be couched in decent and respectful language.

Overture from certain ministers and ruling elders, requesting the Assembly to decide whether the clause in the Book of Discipline (Old), Chap. vii, Sec. iii, Sub-sec. viii, "and which are on record," requires that these reasons are to be spread on the books of the minutes of the court appealed from, or whether they may be considered as on record when simply on file. And if said clause requires the reasons to be spread on the minutes, whether the judicatory has authority to require that the reasons be couched in decent and respectful language, and contain no offensive reflections or insinuations against the judicatory, as in the case of dissent and protest.

Recommended that this Assembly decide, first, that the reasons must be spread on the minutes; second, that the question respecting the language be answered affirmatively.

The recommendation was adopted.—1862, p. 596, O. S.

III. HEARING THE PARTIES.

XCIX. (2) The parties shall be heard, the appellant opening and closing.

1. Case remanded for new trial because the original parties had not been heard.

Complaint and appeal of the Presbytery of Passaic against the Synod of New Jersey [not entertained as an appeal because not made by one of the original parties. See Discipline (Old), Chap. vii, Sec. iii, Sub-sec. xvii] continued as a complaint.

Resolved, That the case be returned to the Synod for a new trial, if a new trial be required.

1. Because it appears from the record of the Synod that the original parties in the case were never heard by them, the original parties, in the judgment of the Assembly, being Mr. William B. Guild and the Committee prosecuting for common fame.—1861, p. 344, O. S.

2. Case issued and complaint sustained where no person appears on behalf of the respondent.

The Assembly took up the complaint of the minority of the Synod of Kentucky, against a decision of the majority of said Synod, in the case of Mr. Benedict H. Hobbs.

The decision complained of, the complaint and the proceedings of the several judicatories in the case were read. The complainants were then heard; no persons appeared on the part of the Synod.

After due consideration, the following resolution was adopted, viz.:

That the complaint be, and it is hereby sustained, and the judgment of the Synod is reversed.—1831, p. 342.

3. Time limit for hearing.

The parties shall be heard, the appellants opening and closing the case, four and a half hours being allowed to the appellants, and seven hours to the appellee.—1893, p. 132.

4. Case of Charles A. Briggs, D.D., 1892.

George W. F. Birch, D.D., opened on behalf of the appellant, and was followed by the appellee, the Rev. Charles A. Briggs, D.D., who

continued his argument until he had finished.—1892, p. 119, and p. 126.

The Rev. Joseph J. Lampe followed on behalf of the appellants. After he had concluded, Elder John J. McCook took the floor: and the appellants rested their case.—1892, p. 140.

5. Case of Charles A. Briggs, D.D., 1893.

The Assembly proceeded to hear the parties. The Rev. George W. F. Birch, D.D., Chairman of the Committee of Prosecution, opened on behalf of the appellants.—1893, p. 84.

The Rev. Charles A. Briggs, D.D., was then heard in response.—1893, pp. 84, 93.

Elder John J. McCook continued his argument in behalf of the appellants until he had concluded.—1893, p. 93.

6. Case of Henry Preserved Smith, D.D., 1894.

The Rev. Henry Preserved Smith, D.D., the appellant, addressed the Assembly in his own behalf.—1894, pp. 91, 92.

The Rev. William McKibben, D.D., Chairman of the Committee of Prosecution, addressed the court in behalf of the appellee.—1894, p. 92.

The appellant, the Rev. Henry P. Smith, D.D., addressed the court in his closing argument.—1894, p. 93.

[Note.—See also cases of Burt Estes Howard, 1896, p. 132; of J. C. Salisbury *et al.*, 1896, p. 133; of David R. Breed, D.D., 1896, p. 85; and of William R. Craig, 1896, p. 152.]

IV. HEARING MEMBERS OF THE JUDICATORY APPEALED FROM.

XCIX. (3) Opportunity shall be given to the members of the judicatory appealed from to be heard.

1. Interpretation and application of Section xcix.

a. On the question of the interpretation and application of Book of Discipline, Sec. xcix, 3, it was

Resolved, That the members of the Presbytery of New York, present, whether they are commissioners or not, be heard.

The members of the judicatory appealed from were heard. The Moderator decided that such of the members of the Presbytery of New York as are appellants had been heard.—1892, p. 140.

b. It was *Resolved*, That in the action taken by the General Assembly in the judicial case of the Rev. Charles A. Briggs, D.D., granting a hearing to members of the New York Presbytery, whether they were commissioners or not, this General Assembly did not intend to decide the constitutional point as to the right of all the members of an inferior judicatory to be heard, and the said action is not to be pleaded as a precedent on the one side or the other of this question of constitutional interpretation.—1892, p. 151.

c. The Moderator stated that Rule xxix of the Rules for Judicatories would be observed so far as possible, and the floor given alternately to the speakers on opposite sides of the question.—1893, p. 94.

d. *Resolved*, That the members of the judicatory appealed from, namely, the Presbytery of New York, shall then be heard, two hours being allowed for this purpose, and ten minutes being granted to each speaker; it being understood, however, that any member shall have the privilege of yielding his time to another member.—1893, p. 132.

Note.—Case of Charles A. Briggs, D.D.]

e. The members of the court appealed from, viz., the Synod of Ohio, were heard.—1894, p. 93.

[NOTE.—Case of Henry P. Smith, D.D.]

V. HEARING MEMBERS OF THE SUPERIOR JUDICATORY.

XCIX. (4) Opportunity shall be given to the members of the superior judicatory to be heard.

1. Limitation of time of speakers.

a. *Resolved*, 1. That after the parties in this case shall have been heard the speeches of the members of the judicatory appealed from be limited to five minutes each.

Resolved, 2. That the same time limit be applied to the speeches of the members of the appellate judicatory, and that the time allowed for the speeches of members of the Assembly be confined to the period of one hour.

Resolved, 3. That the Assembly proceed, immediately after the members of the appellate judicatory shall have been heard, to vote upon the charges and specifications now pending before us.—1892, p. 139.

[NOTE —Case of Charles A. Briggs, D.D.]

b. The members of the superior judicatory were heard.—1892, p. 140.

2. Constitutional right to be heard cannot be destroyed, though time limit may be set. Speeches by roll-call.

a. On the question as to the time to be allowed members of the Assembly, the Moderator decided that the court could not by a simple resolution destroy the constitutional right of any commissioner to be heard upon a judicial case, but that the court could limit the time for each speaker. It was then

Resolved, That the roll of the members of the court be called, in order that "opportunity shall be given to the members of the superior judicatory to be heard." It was also

Resolved, That the time of each member be limited to three minutes. The roll was then duly called, until it was concluded.—1893, p. 139.

[NOTE.—Case of Dr. Briggs.]

b. The roll of the court was called, to give its members opportunity to express their opinions. The calling of the roll was continued . . . . until the names of all the members had been called.—1894, pp. 94–96.

[NOTE.—Case of Dr. H. P. Smith.]

VI. TAKING THE VOTE.

XCIX. (5) The vote shall then be separately taken, without debate, on each specification of error alleged, the question being taken in the form: "Shall the specification of error be sustained?"

1. The final vote must be taken.

Inasmuch as the Synod of Indiana did not take an express vote on sustaining the appeal of Mr. Harney, and the sentence on record is vague and inconsistent with itself, that the whole case be remitted to the said Synod, with an injunction to them to reconsider the case, and pass a definite, precise and just sentence.—1837, p. 480.

2. It is taken separately on each charge.

The business left unfinished yesterday was resumed, viz., the trial of Mr. Bourne's appeal from the decision of the Presbytery of Lexington, by which Mr. Bourne was deposed from the Gospel ministry, and the following resolution was adopted, viz.:

Resolved, That the appeal of Mr. Bourne be dismissed, and that the decision of the Presbytery of Lexington, declaring him deposed from the Gospel ministry, be and it is hereby confirmed, on the first, second, third, fifth and sixth charges.

The vote was taken separately on each of these charges, and was declared in the affirmative.—1818, p. 682.

3. The final vote taken and the appeal sustained.

a. The steps prescribed by the Book of Discipline, Chap. ix, Sec. xcix, Sub-secs. 1, 2, 3 and 4, having been taken, the Assembly proceeded to vote, in accordance with Sub-sec. 5, upon the specifications of error, when it appeared:

That Specifications 1, 2, 3, 4, 5, 6, 7, 8 and 9 of the first ground of appeal were sustained;

That Specifications 1 and 2 of the second ground of appeal were sustained;

That Specification 1 of the third ground of appeal was sustained;

That Specifications 1 and 2 of the fourth ground of appeal were sustained;

That Specifications 1, 2, 3 and 4 of the fifth ground of appeal were sustained; and

That Specifications 1, 2, 3, 4, 5, 6 and 7 of the sixth ground of appeal were sustained.

The question was then put, "Shall the appeal be sustained?" Upon which the yeas and nays were ordered, and the vote was, to sustain as a whole, 307; to sustain in part, 124, and not to sustain, 87, or, to sustain the appeal, 431, not to sustain, 87.—1892, pp. 140, 141.

[Note.—Case of Dr. Briggs.]

b. The vote was then taken on each specification of error alleged in the appeal in said Judicial Case No. 1, the question on each being, "Shall this specification of error be sustained?"

The result of the vote was as follows:

Under the first ground of appeal, viz. Irregularity in the proceedings of said Presbytery of New York, Specifications 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 were sustained.

Under the second ground of appeal, viz.: Receiving improper testimony, Specifications 1, 2 and 3 were sustained.

Under the third ground of appeal, viz.: Declining to receive important testimony, Specifications 1 and 2 were sustained.

Under the fourth ground of appeal, viz.: Manifestation of prejudice in the conduct of the case, Specifications 1 and 5 were not sustained. Specifications 2, 3, 4 and 6 were sustained.

Under the fifth ground of appeal, viz.: Mistake or injustice in the decision, Specifications 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 were sustained.

The question was then put, "Shall the appeal be sustained?" upon which the yeas and nays were called, and ordered to be recorded. The

vote was, to sustain as a whole, 295; to sustain in part, 84; not to sustain, 116, or, to sustain the appeal, 379; not to sustain, 116.—1893, p. 140.

[NOTE.—Case of Dr. Briggs.]

c. The court proceeded to vote upon the specifications of error alleged by the appellant, the question in each case being: "Shall the specification of error be sustained?"

The first ground of appeal was read, and the vote was taken thereon, and a division being called for, the result was announced as follows:

To sustain, 62; not to sustain, 403. So the first specification of error was not sustained.

Each of the other grounds of appeal was read, the vote upon each ground being taken separately, and the Moderator announced in each case that the specification of error was not sustained.

All the specifications of error having been voted upon and not sustained, the roll was then called upon the question, "Shall the appeal be sustained?" and the yeas and nays were ordered to be recorded.—1894, pp. 96, 97.

[NOTE.—Case of Dr. H. P. Smith.]

VII. CASE SUBMITTED TO A JUDICIAL COMMISSION.

1. The Judicial Committee appointed such commission.

The Judicial Committee reported on Judicial Cases Nos. 5, 6 and 7, as follows:

Judicial Case No. 5.—The Presbyterian Church in the United States of America *vs.* Rev. Burt Estes Howard, being an appeal from the Synod of California. The Committee find that due notice of appeal has been given, that the specifications of the errors alleged have been filed in due time, and that the appeal should be entertained. The appellant and appellee consenting thereto, the Committee, in view of such consent already given, recommends that the case be submitted to a Judicial Commission to be appointed by this Assembly.

Judicial Case No. 6.— The Presbyterian Church in the United States of America *vs.* Ruling Elders J. C. Salisbury *et al.*, being an appeal from the Synod of California. The Committee makes the same report, findings and recommendations as in Case No. 5, wherein the appellant is the same as in this case, and the appellee is Burt Estes Howard.

Judicial Case No. 7.—The complaint of the Rev. William P. Craig *vs.* the Synod of California. The Committee makes report that the same is in order, and by desire and consent of parties recommends that the same be submitted, along with Cases Nos. 5 and 6, to the Judicial Commission to be appointed to try the said causes. The recommendations were adopted, and by formal resolution the Judicial Committee was appointed the Judicial Commission to try Judicial Cases Nos. 5, 6 and 7. —1896, p. 48.

2. Report of the Judicial Commission.

The Judicial Committee, sitting as a Judicial Commission, reported on Judicial Cases Nos. 5 and 6, submitting three questions of constitutional law, viz., 1, 2 and 3, which were answered in the affirmative, and are as follows:—1896, p. 131.

[NOTE.—See Book of Discipline, Sec. cxix.]

3. Findings of the Judicial Commission.

a. The Judicial Commission then submitted the findings in Judicial Cases Nos. 5 and 6, together with an explanatory minute, both of which were ordered to be placed upon record, and are as follows:

The Presbyterian Church in the U. S. A., by William R. Henderson, William P. Craig and E. Edgar Galbreath, its Prosecuting Committee, appellant, *vs.* Rev. Burt Estes Howard, appellee.

Judicial Case No. 5, on appeal from the Synod of California.

This appeal being regularly issued and coming on to be heard on the judgment, the notice of appeal and the specifications of errors alleged and the record in the case from the beginning and the reading of so much of said record as was not read, having been omitted by consent, and the parties hereto having been heard before the judicatory in argument, and opportunity having been given to the members of the judicatory appealed from to be heard, they having been heard, and opportunity having been given to the members of this judicatory to be heard, and they having been heard as provided by the Book of Discipline, and this Judicial Commission of the General Assembly sitting as a judicatory in such case on appeal, having sustained the following specifications of error, to wit: "all of said specifications save and except the first and second specification under the first ground of appeal," to wit: "irregularity in the proceedings," and all of the specifications under the second ground of appeal, to wit: "manifestations of prejudice in the conduct of the case," which were not sustained, on consideration whereof this judicatory finds said appeal should be and is hereby sustained, and that said Synod of California, the judicatory appealed from, erred in not sustaining on the law and the evidence the charges and the judgment in this case in the Presbytery of Los Angeles, and that said final judgment of the Synod of California is erroneous, and should be and is hereby reversed, and said Synod is directed to affirm the judgment of the Presbytery of Los Angeles, and this case is remanded to the Synod of California to carry this judgment into execution, and it is further ordered that the Stated Clerk of this General Assembly transmit a certified copy of the judgment in this case to the Stated Clerk of the Synod of California to be made a part of the record in this case.—1896, pp. 131, 132.

b. The Presbyterian Church in the U. S. A., appellant, *vs.* Ruling Elders J. C. Salisbury, J. K. Hoffman, H. G. Wylie, H. N. Avery and H. T. Gordon, constituting the Session of Westminster Presbyterian church, of Los Angeles, appellee.

Judicial Case No. 6, on appeal from the Synod of California.—1896, pp. 132, 133.

[Note.—See the findings under Judicial Case No. 5, above, in precisely the same words.]

c. *Explanatory Minute.*—The Judicial Commission, the judicatory in the above cases, deems it wise to submit the following explanatory minute to be adopted as a part of the record in each of said cases.

These cases arise out of the action of the Presbytery of Los Angeles, Cal., in dividing the First Presbyterian church of the city of that name.

In the matter of a power of a Presbytery under the Constitution of our Church to divide a congregation and the effect of such a division on the ecclesiastical body known as the congregation, as distinguished from the civil corporation known as the Board of Trustees holding legal

title to the property for the use of the congregation which is the ecclesiastical body:

We hold:

The Presbytery has the sole and exclusive power to divide a congregation under and subject to the provisions of the Constitution, and its action in so dividing the congregation, the ecclesiastical body, is final unless complaint or appeal is duly taken to the superior judicatories.

No such complaint or appeal was taken from the action of the Presbytery of Los Angeles in dividing the First church of the city of that name, which included the assigning of the pastor, Rev. Burt Estes Howard, to the Westminster church and also the Session of said First church to the same church. The division of the ecclesiastical body known as the congregation of the First church did not dissolve the civil corporation holding the legal title to the property for the use of said ecclesiastical body, nor could it do that which could only be done by the civil power which created the civil corporation, pursuant to the manner prescribed by such civil power. No act of the civil corporation or civil power could or did affect the ecclesiastical body or congregation. Over it they had no power or jurisdiction, and could neither create, divide nor dissolve it. The membership of the ecclesiastical body or congregation was created by and as such is exclusively within the jurisdiction of the judicatories of the Church, under its Constitution, and all lawful orders or decrees affecting said ecclesiastical organization or congregation made by any of the said judicatories acting as such under the Constitution should be implicitly obeyed by each and every member of said ecclesiastical body or congregation and every pastor and Session, so long as the same remain in full force and effect and not reversed. Obedience to lawful authority is fundamental and essential to the maintenance and prosperity of our beloved Church. Our Constitution provides ample remedies and procedure for determining the lawfulness of all authority exercised thereunder, and until the same is set aside or reversed pursuant to the Constitution, it is in full force and effect and merits the obedience of all subject thereto. Consistent with this obedience, and without mitigating its force, but rather to make it more effective, is due consideration in the exercise of the largest charity consistent with righteousness in all cases of contumacy of conduct which involve disobedience to the orders and decrees of the various judicatories of our Church, of all the circumstances controlling all of the parties charged with the disobedience and all of the interests of the Church, local or at large, affected by the result of the case. It is to be assumed that the various judicatories of our Church, in the lawful exercise of the powers vested in them by the Constitution, whether it be in the case of a Presbytery dividing a congregation or otherwise, will not act arbitrarily, but with the fullest consideration and in the earnest purpose to secure under the guidance of the Holy Spirit the peace and purity of our beloved Church. The parties thus charged with contumacy, if found guilty by the court of original jurisdiction, have the right of review of its action by the superior judicatories under our Constitution, and until the questions have been finally adjudicated they may sincerely and conscientiously believe that their conduct is not contumacious, however mistaken they may be as to its character.

In the event that the superior judicatory finds them guilty of the offence and affirms the judgment of the lower judicatory, in order to

further proceedings therein by said lower judicatory, the parties thus under its jurisdiction should in all proper cases be fully and kindly advised of the final action of the superior judicatory, its purpose and effect, and an opportunity offered the parties thus charged to reconsider their conduct in order to render obedience to the final decision in their case. All of this in order to secure and maintain the peace and purity of the Church.

In view of this we submit that in these cases the Presbytery of Los Angeles should fully and kindly advise the appellees of the action of the General Assembly in their cases, and request them to reconsider the position taken by them with reference to the action of the Presbytery and the subject matter of their cases, which position and conduct is declared by them to be the result of their sincere belief that they were serving the best interests of the church in their care, as well as the interests of the Church in the Presbytery of Los Angeles and the Synod of California, and Presbytery is further recommended that in the event that the appellees in these cases express their purpose to now recognize and obey the action of the Presbytery in their cases pursuant to the decision of the General Assembly, the sentence be removed, and that they and each of them be restored to the full exercise and enjoyment of their offices in the church, and we earnestly express the hope that these appellees will so express themselves and obey the orders of the General Assembly and the Presbytery pursuant thereto, and that in so doing the churches of the Presbytery of Los Angeles and the Synod of California will have rest, and be edified ; and walking in the fear of the Lord, and the comfort of the Holy Ghost, be multiplied. (Acts ix. 31.)

By order of the Judicial Commission,

F. C. MONFORT, *Chairman.*

The Stated Clerk was directed to transmit certified copies of the action of the Commission to the Synod of California.—1896, pp. 133–135.

4. Case of William P. Craig, Complainant, *vs.* the Synod of California.

The Commission presented the findings on Judicial Case No. 7, which were ordered to be placed on record, and are as follows:

The Judicial Commission appointed by the General Assembly of the Presbyterian Church in the United States of America, to try Judicial Case No. 7, reports for record its final judgment as follows:

Rev. William P. Craig, complainant, *vs.* The Synod of California, defendant—No. 7.

The Judicial Commission, sitting as a judicatory in the above case, find said complaint in order, and having read the record from the beginning, and heard the parties, and the members of the judicatory complained of, and the members of the judicatory, finds the complaint well taken and sustains the same; and further finds in so sustaining the same, that the whole and each of the ministerial acts and functions performed by the Rev. Burt Estes Howard during the time covered by, and embraced in, the action, and up to the time when the final judgment of this judicatory, in reversing the final judgment of the Synod of California, in the case of the Presbyterian Church in the U. S. A. against the said Howard, is duly certified to and received by the Stated Clerk of the Synod of California, are valid and remain in full force and effect,

and unaffected by any action of this judicatory in this case.—1896, p. 152.

[NOTE.—See Book of Discipline, Sec. cxix.]

5. Complaint of David R. Breed *et al. vs.* the Synod of Pennsylvania.

The Judicial Commission presented its report on Judicial Case No. 2, as follows:

The Judicial Commission appointed by the General Assembly to try the complaint of David R. Breed and others, members of the Synod of Pennsylvania, against the action of said Synod and the finding of its Judicial Commission in Judicial Case No. 1, in its session held in the Presbyterian church of Butler, Pa., October 17–21, 1895, do respectfully report as follows:

That after the opening of the Commission by prayer, and the solemn charge by the Moderator, the Commission, of which a quorum was present, proceeded to consider the case. The facts briefly are as follows: On February 5, 1895, the Presbytery of Pittsburgh dissolved the pastoral relation between Rev. C. J. Forsythe and the church of West Elizabeth and appointed Rev. Dunlop Moore, Moderator of Session. On February 17, 1895, the elders of said church requested Mr. Forsythe to act as Moderator of a Sessional meeting, and Session called a congregational meeting for February 22 *inter alia* to elect additional elders. At this meeting, the Rev. S. J. S. Moore, not the appointed Moderator, was requested to moderate the congregational meeting. Two elders were elected. Certain members of the church complained to the Presbytery of Pittsburgh with reference to this meeting, alleging certain irregularities and unjust rulings, which specifications were sustained by the Presbytery of Pittsburgh against this action of Presbytery. By its Judicial Commission twenty-five persons, members of Pittsburgh Presbytery, complained to the Synod of Pennsylvania, alleging in several specifications the irregularity of the action and the injustice of the findings and procedure. This complaint was tried by Commission of Synod of Pennsylvania, at its meeting in Butler, October 17–21, 1895, and the first report was recommitted to have points of law and Constitution considered. The Commission again reported, sustaining the complaint, but not referring any questions of law to Synod for its determination. The case before Assembly's Commission is the complaint against this action of Synod, to which reference is here made as part of this report.

In the trial before the Commission, the record of the action complained of, and so much of the record of the lower judicatory as was pertinent, were read, and the parties were heard, the complainants opening and closing.

Commission referred the two points of law set forth in the complaint to the Assembly for adjudication according to Chap. xiii, Sec. cxix, B D., which points of law are as follows:

[NOTE.—See Book of Discipline, Sec. cxix.]

The Commission having received this Assembly's adjudication of the points of law, and in accordance therewith, do find as follows:

That the complaint is sustained, affirming the action of the Presbytery of Pittsburgh, *pro forma*, and finding the Synod of Pennsylvania in error in that the Judicial Commission of said Synod did not submit the points

of law to the Synod as provided for in Chap. xiii, Sec. cxix, B. D. Inasmuch as the elders elected at the congregational meeting complained of have since been ordained and installed, the decisions of both Synod and Presbytery are not hereby otherwise affected and the Synod is directed to take no further action in the matter.

Only those present at all the sessions of the Commission voted in the case.—1896, pp. 90–92.

VIII. DECISIONS AND THEIR EFFECT.

I. THE DECISION MAY CONFIRM THAT OF THE LOWER JUDICATORY.

If no one of the specifications be sustained, and no error be found by the judicatory in the record, the judgment of the inferior judicatory shall be affirmed.

1. Section xcix (5) explained.

Overture from the Presbytery of Lodiana, inquiring whether, in the trial of an appeal, a higher court, discovering one or more errors in the proceedings of the court below, is bound by Section xcix (5) of the Book of Discipline, to reverse or modify the judgment of the inferior judicatory or else remand the case for a new trial.

Clearly there is no such requirement, but, on the contrary, "the judicatory shall determine," in its own discretion, whether "the judgment of the inferior judicatory shall be reversed or modified," or "the case remanded," and that, for the obvious reason, that there may be enough in that part of the decision which has been sustained by the higher court, to warrant the full sentence which has been imposed. Adopted.—1888, p. 109.

2. Decisions confirmed.

a. Form of Government, Chap. xv, Sec. i. Appeal of the Third Presbyterian church, Philadelphia, *vs.* the Synod of Philadelphia.—1814, pp. 559, 560.

b. Form of Government, Chap. xvii. Appeal of Joseph Connell *vs.* the Synod of Pittsburgh.—1868, p. 648, O. S.

c. Form of Government, Chap. x, Sec. viii. Appeal of S. Shepherd *vs.* the Synod of Illinois.—1863, p. 36, O. S.

d. Form of Government, Chap. x, Sec. viii. Appeal of members of Pine Street Church *vs.* the Presbytery of St. Louis.—1864, pp. 327, 328, O. S.

e. Book of Discipline, Chap. vii, Sec. L. Appeal of Alexander Frazer *vs.* the Synod of Buffalo. Also Appeal of Alexander Gordon *vs.* the same Synod.—1859, pp. 546, 547, O. S.

f. Book of Discipline, Chap. v, Sec. v (Old). Case of Samuel Boyd. The decision of the Synod of Wheeling confirmed. In this case it was held that the appellant, not having objected to alleged informalities at the time of trial, "had waived all informalities in the proceedings antecedent to trial."—1866, p. 74, O. S.

g. The Commission in the case of the appeal of the Rev. L. R. Lockwood from the judgment of the Synod of Iowa, affirming the judgment of the Presbytery of Dubuque, suspending the appellant from the Gospel ministry, recommend that the appeal be not sustained, and that the judgment of the lower courts be affirmed.—1867, p. 347, O. S.

h. Form of Government, Chap. xii, Sec. v. Appeal of Rev. Isaac M. See *vs.* the Synod of New Jersey. Judgment of the Presbytery and Synod affirmed.—1878, pp. 102, 103.

i. Form of Government, Chap. xii, Sec. v. Appeal of the Rev. John Miller *vs.* the Synod of New Jersey. Action of the Synod affirmed, and his suspension from the ministry approved.—1878, p. 98.

j. Form of Government, Chap. x, Sec. viii. Appeal of Addison Bancroft and R. W. Stewart *vs.* the Synod of Philadelphia. The Synod sustained.—1878, p. 41.

k. Form of Government, Chap. ix, Sec. vi. Appeal of Walter Bradshaw *vs.* the Synod of New York. The Synod sustained.—1885, pp. 593, 594.

l. Directory for Worship, Chap. iii, Sec. ii. Appeal of Charles D. Drake *vs.* the Synod of Baltimore. Judgments of the Synod of Baltimore affirmed.—1888, pp. 112, 113.

m. Appeal of Rev. Henry Preserved Smith, D.D. No specification of error having been sustained, and the appeal as a whole not having been sustained, the judgment of the Synod of Ohio, in the case of the Presbyterian Church in the United States of America *vs.* Rev. H. P. Smith, D.D., has been and is affirmed.—1894, p. 106.

n. Judicial case, being the appeal of J. A. Cooper against a decision of the Synod of Pennsylvania. The Committee would recommend that the Synod of Pennsylvania be sustained in refusing to entertain the appeal of one J. A. Cooper *vs.* Presbytery of Erie, on the ground that there is no evidence to show that Synod was incorrect in its statements (see p. 30, *Minutes*, Synod Penna.). Adopted.—1895, p. 85.

o. Presbyterian Church U. S. A., appellant, *vs.* Burt Estes Howard, appellee. Sustained.—1896, p. 132.

p. Also Presbyterian Church U. S. A., appellant, *vs.* J. C. Salisbury *et al.*, appellee. Sustained.—1896, p. 133.

q. Also, David R. Breed, complainant, *vs.* Synod of Pennsylvania, respondent. Sustained.—1896, p. 91.

r. And William P. Craig, complainant, *vs.* the Synod of California, respondent. Sustained.—1896, p. 152.

3. In confirming the decision the Assembly directs that if a new trial as ordered be not instituted within six months the decision shall be final.

And, therefore, the Assembly do now order and direct that the appeal of the said Silas Miller be dismissed and the decision of the Synod of Illinois be confirmed; and the Assembly further order and direct that, if the Session of the church of Tuscola do not, within six months from the date hereof, refer the case to the Presbytery of Wabash for a new trial, in accordance with the decision of the Synod of Illinois, then the decision of the said Synod sustaining the appeal shall become absolute and final, and the said Silas Miller shall be thereupon restored to all the rights and privileges which he had and enjoyed as a member of the church of Tuscola, and from which he was suspended by the judgment and sentence of said church.—1867, p. 517, N. S.

Decision confirmed because the new testimony offered "did not in any important respect change the aspect of his case."—1823, p. 90.

II. THE DECISION MAY REVERSE THAT OF THE LOWER JUDICATORY.

If one or more errors be found, the judicatory shall determine whether the judgment of the inferior judicatory shall be reversed or modified, or the case remanded for a new trial; and the judgment, accompanied by a recital of the error or errors found, shall be entered on the record. If the judicatory deem it wise, an explanatory minute may be adopted which shall be a part of the record of the case.

1. Reversed on review of testimony.

An appeal was taken by Mr. John Gordon from the decision of the Synod of Pittsburgh. The Assembly having before them the evidence which had been before the Synod, and having fully heard the members of that Synod present in defence of their decision, it was, on motion,

Resolved, That the decision of the Synod in affirming the judgment of the Presbytery of Redstone be reversed.

And it, therefore, was reversed.—1807, p. 386.

2. Reversed without assigning a reason for its action.

The consideration of the appeal of the Presbytery of Ohio from the decision of the Synod of Pittsburgh, in the case of Mr. Gwinn, was resumed, and the parties were heard until they said they had nothing further to add.

The decision of the Synod of Pittsburgh reversed a decision of the Presbytery of Ohio, by which decision the Presbytery had suspended the Rev. Andrew Gwinn, *sine die*, from the office of the Gospel ministry.

A motion was made and seconded that the appeal of the Presbytery of Ohio be sustained, and the decision of the Synod in the case be reversed, which was determined in the affirmative.—1819, p. 709.

[NOTE.—See also 1821, p. 25. And Book of Discipline, Sec. xcix, last clause.]

3. Reversed because of disproportionate censure.

[NOTE.—See Book of Discipline, Sec. ii, p. 604.]

4. Reversal on the ground of undue severity does not determine the innocence of the accused nor relieve him from other process.

The appeal of T. F. Worrall against the Synod of Illinois. The usual charge was read by the Moderator, and the Assembly proceeded with the case according to the order prescribed in the report of the Committee, which is as follows:

The Committee report as follows: This case originated before the Session of the church of Bloomington, on charges preferred against the appellant by the Session on "general rumor."

After an examination the Session convicted him, and passed sentence excluding him from the communion of the church.

An appeal was taken from this decision to the Presbytery of Bloomington, which refused to sustain the appeal. An appeal was taken from thence to the Synod, which refused also to sustain the appeal. From this decision of the Synod of Illinois this appeal is taken to the General Assembly. The appeal was sustained and it was:

Resolved, As the expression of the judgment of this Assembly, That the sentence of excommunication against T. F. Worrall, by the Session of the church at Bloomington, Ill., be reversed, as being unduly severe. The Assembly, however, do not intend by this decision to restore Dr.

Worrall to the communion of the church, from which he is now understood to be suspended, on other charges still under adjudication; nor do the Assembly intend to decide that he did not deserve censure for the improper language which is set forth in the charges against him.—1861, pp. 344, 346, O. S.

5. Decision of Synod reversed as in error in prescribing a form of dismission.

Complaint of Rev. N. West, D.D., *vs.* the Synod of New York.—1864, p. 328, O. S.

[NOTE.—See under Book of Discipline, Sec. 1, p. 666.]

6. Reversed because of unconstitutional action of the judicatory appealed from.

a. *Whereas*, A complaint has been made by the Presbytery of Saharanpur, of the Reformed Presbyterian Church, against the Board of Foreign Missions of the Presbyterian Church, for reappointing, as one of their missionaries in India, Rev. John Simms Woodside, who had been deposed from the ministry by said Presbytery:

Your Committee recommend the following action touching the matters contained in said complaint which relate to the polity of the Presbyterian Church, viz.:

1. It appears that an agreement was entered into, years ago, by which the ministers of the so-called "Covenanter," or Reformed Presbyterian Church, became missionaries of our Foreign Board.

2. It does not appear that this agreement gave to any of the judicatories of our own Church the authority of "Review and Control" over any of the judicatories of said Reformed Presbyterian Church; but it is implied that, both by agreement and comity, the judicial decisions of the Presbyteries of said Reformed Presbyterian Church, touching the ecclesiastical standing of their ministers, should receive the respect from our Presbyteries due to like decisions of one another.

3. The main facts of this case are, that John S. Woodside, a minister of the Reformed Presbytery of Saharanpur, was deposed by that Presbytery in February, 1880; and the gist of this complaint is that, notwithstanding said deposition, he has since been received as a minister, in good standing, by our Presbytery of Furrukhabad, and has been appointed a missionary by our Board.

4. And *whereas*, The (O. S.) General Assembly (pp. 159 and 160, Moore's *Digest*, 1873) decided in 1862 that "a Presbytery may not restore a minister deposed by another," and the (N. S.) General Assembly (pp. 617 and 618, Moore's *Digest*), in 1858, decided "that only the Presbytery which deposed a minister has jurisdiction over him," therefore,

Resolved, That the Presbytery of Furrukhabad erred in receiving and restoring to the ministry the said John S. Woodside, while he was under sentence of deposition by the Presbytery of Saharanpur, and in accordance with the action of the General Assembly in a similar case between Presbyteries of our own Church (see Moore's *Digest*, pp. 159 and 160), this Assembly directs the Presbytery of Furrukhabad to reconsider its action, and proceed according to the requirements of the Constitution, as provided for the guidance of our Presbyteries in similar circumstances between themselves. Adopted.—1883, pp. 628, 629.

b. The Judicial Commission to whom was referred Judicial Case No. 2,

being a complaint of Addison Bancroft to the General Assembly against the action of the Synod of Philadelphia in the Hermon church case, presented the following report:

That the complainant complained of the action of the Presbytery of Philadelphia North, in dissolving Hermon church and declaring the field occupied by it a mission station under the care of the Presbytery.

The Synod of Philadelphia, at its stated meeting in Philadelphia, October 23, 1876, sustained the action of the Presbytery, and dismissed the complaint, whereupon the complainant brought his complaint against such action of the Synod to this General Assembly, and the case having been, by the consent of the parties, referred by the General Assembly to this Commission for hearing and decision, and the Commission having thereupon proceeded in due order to examine the case and to hear the parties and members of the inferior judicatory, it is thereupon by this Commission decided that the said action and decision of the Synod of Philadelphia and of the Presbytery of Philadelphia North be and the same are hereby reversed for the following reason:

That it appears that Hermon church had no previous notice of the contemplated action of the Presbytery in dissolving the church. While the Commission regrets the necessity of reversing the decision of the Synod of Philadelphia upon a ground which may seem merely technical, we regard the precedent of dissolving a church without notice to it as too dangerous to be upheld; and we hold that without such notice and an opportunity for the church to be heard, the Presbytery had not jurisdiction of the case. Adopted.—1877, pp. 543, 544.

7. Where sentence is reversed for irregularity, either party may institute a new trial. If process be not commenced within the time limited, he may demand a letter as in good standing.

The appeal of Mr. Joseph E. Bell, from a decision of the Presbytery of Concord, suspending him from the office of the Gospel ministry, was taken up.

The appeal was sustained. The following minute was adopted:

1. *Resolved*, That in the judgment of the Assembly, Mr. Bell was and still continues to be fully amenable to the Presbytery of Concord.

2. That while the Assembly do not wish to protect the guilty, they do judge that great caution, deliberation, and, as far as may be, the rules of discipline, where ministerial character is impeached, ought to be strictly observed, and that in this case the informality was exceptionable.

3. That if it be deemed necessary for the good of religion and the honor of the ministerial character, the Presbytery of Concord are entirely competent to commence a new trial; or if Mr. Bell shall desire, for his own sake, a new trial, the door is still open.

4. That in the meantime, Mr. Bell's ministerial standing shall be considered regular, and if no process shall be commenced by either party within the space of six months from the first of June next, then Mr. Bell may claim from the Presbytery of Concord a dismission, declaring him to be in regular standing.—1828, p. 240.

[Note.—See also under Book of Discipline, Sec. lxviii, p. 651.]

8. Reversed for haste and unconstitutional action.

The Assembly sustained the appeal of Mr. Arthur, from the sentence of Presbytery, by which he was suspended from the Gospel ministry on

the ground of contumacy, because the Presbytery appeared to have been precipitate, and not to have observed the constitutional rules. See Discipline (Old), Chap. iv, Secs. xix, xxi, xxxiii, lxviii.—1822, p. 53.

9. Sentence reversed and the appellant declared to be in regular standing.

The unfinished business of the forenoon was resumed, viz., the consideration of the appeal of Mr. James Atwater from the decision of the Synod of Geneva, affirming a decision by which Mr. Atwater had been excommunicated by the church at Genoa.

The parties were fully heard, and the following resolution, after some discussion, was adopted, viz.:

Resolved, That the appeal of Mr. Atwater be sustained, and it hereby is sustained; and that Mr. Atwater have liberty, as a member of the Presbyterian Church in regular standing, to connect himself with any church which may be disposed to receive him.—1821, p. 27.

10. The decision may declare the acts of the lower judicatories void.

a. *Resolved*, That the appeal and complaint of the Second Presbytery of Philadelphia against the Synod of Philadelphia be, and the same are, hereby sustained; and the act of said Synod, so far as it was intended to unite the said Second Presbytery with the Presbytery of Philadelphia, is hereby declared void.—1834, p. 432; 1854, p. 33, O. S.

b. In the appeal of persons claiming to be the church of St. Charles, it was

Resolved, That the Assembly herein sustains the appeal, *pro forma*, and orders the entire setting aside of all the proceedings in the whole case in all its stages, from the time that notice was first given to call a meeting of the congregation for the election of the three elders, and directs all the parties to stand precisely where they did before any step was taken in it.—1838, p. 19.

c. *Resolved*, That this Assembly understands the act of the Assembly of 1838, as sustaining the appeal of Rev. Hiram Chamberlain, not upon the merits of the case, but on account of informality of the courts below, and that "in the entire setting aside of all the proceedings in the whole case, they intended not only to annul the past, but also to forbid all subsequent action contrary to the will of the regularly constituted authorities of that church, and they hereby declare any such unconstitutional action that may have been had by any person, or persons, in connection with that church, to be null and void.—1840, p. 302, O. S.

d. *Resolved*, That for the informalities and errors above mentioned, the appeal be and is hereby sustained, and all proceedings in the case by the Session, Presbytery and Synod since the admonition before the congregation on the 25th of August, 1861, are hereby annulled and set aside.—1863, p. 36, O. S.

[NOTE.—See under Sec. lxxix, p. 695, Appeal of James W. Hamilton *vs.* the Synod of Sandusky.]

11. The reversal annuls the acts complained of.

a. The appeal and complaint of Thomas Bradford and others from a decision of the Second Presbytery of Philadelphia, relative to the installation of Mr. Duffield were taken up. The appeal, with the reasons of it, and all the documents in the case, were read. The parties were heard, and were then considered as withdrawn from the house. The roll

was called to give the members an opportunity of expressing their opinion. After which, the final vote was taken, and the appeal and complaint were sustained.

The following resolution was then adopted as explanatory of the above decision, viz.:

That the appeal be sustained, and the acts of the Presbytery in relation to the call and installation of Mr. Duffield be and they hereby are reversed.—1835, p. 490.

b. In regard to the complaint of Mr. Dobbins against the Session of the church of Augusta for receiving members suspended by the Session of the church of Smyrna, the Assembly are of opinion that both Sessions acted unconstitutionally, the Session of Smyrna in suspending said members, and the Session of Augusta in receiving them when suspended. Therefore,

Resolved, That the appeal on this complaint be and it is hereby sustained; and the members in question are hereby declared to be still members in good standing in the church of Smyrna, and the Session of the church of Smyrna are hereby directed to dismiss said members, if they still desire it, that they may regularly connect themselves with the church of Augusta.—1824, p. 125.

12. The decision reversed and the case remanded.

The Presbyterian Church in the U. S. A. *vs.* Rev. Charles A. Briggs, D.D.: Appeal from the judgment of the Presbytery of New York, dismissing the case.

The General Assembly having, on the 28th day of May, 1892, duly sustained all the specifications of error alleged and set forth in the appeal and specifications in this case:

It is now, May 30, 1892, ordered, that the judgment of the Presbytery of New York, entered November 4, 1891, dismissing the case of the Presbyterian Church in the United States of America against Rev. Charles A. Briggs, D.D., be, and the same is hereby, reversed. And the case is remanded to the Presbytery of New York for a new trial, with directions to the said Presbytery to proceed to pass upon and determine the sufficiency of the charges and specifications in form and legal effect, and to permit the Prosecuting Committee to amend the specifications of charges, not changing the general nature of the same, if, in the furtherance of justice, it be necessary to amend, so that the case may be brought to issue and tried on the merits thereof as speedily as may be practicable.

And it is further ordered, that the Stated Clerk of the General Assembly return the record, and certify the proceedings had thereon, with the necessary papers relating thereto, to the Presbytery of New York.—1892, p. 152.

III. THE DECISION MAY CONFIRM OR REVERSE IN PART.

1. Reversed in part on ground of irregularity. Sustained in part.

a. *The judicatory may not inflict a new sentence without new trial.*

Resolved, That the General Assembly, having heard and considered in detail the circumstances and merits of the appeal of Newton Hawes, are of the opinion that in the proceedings of the Synod of Genesee in the case, there appears to be nothing irregular or censurable until they come to their last decision, in which they pass a new and severe censure on the

appellant. In this particular, the Assembly judge that the proceedings of the Synod were not regular, inasmuch as they inflicted a new censure without a new and regular trial. Had the Synod contented themselves with approving the doings of the church of Warsaw, in declining to restore the appellant to their communion, and left him in the condition of a suspended member, they would have acted with entire regularity; but not pausing at this point, the Assembly consider them as acting on matters not regularly brought before them; and therefore resolved, that the sentence of the Synod, requiring the appellant to make a new and second confession, be reversed, and it is hereby reversed, and that the other part of their proceedings and decision be affirmed, and they are hereby affirmed.—1823, p. 79.

b. *Nor remove all censure where they find rebuke deserved.*

The Assembly having heard the complaint of the Presbytery of Carlisle against the Synod of Philadelphia in the case of William S. McDowell, with the facts and arguments offered by the Presbytery and the Synod, judge that the Synod had a constitutional right to reverse the decision of the Presbytery in the case, either in whole or in part, as to them might seem proper; but that in the exercise of this right the Synod have not duly regarded the principles of discipline prescribed in the Constitution, inasmuch as it appears by their records that they have removed all censure from a man whom they declare to be deserving of rebuke, without directing that rebuke to be administered, and without receiving any evidence of his penitence.—1823, p. 81.

2. Reversed in part on the ground that irregularity of proceeding does not necessarily invalidate.

[NOTE.—See under Form of Government, Chap. xiii, Sec. ii, 8, *a*, p. 526.]

3. Sustained in part, reversed in part. Minute in the case.

a. The Committee to whom was referred the judicial case originating in the Session of the Seventh Presbyterian church in Cincinnati, beg leave to report:

1. They find that said Session tried certain parties upon five several charges, and found them guilty upon the first, second and fifth, and adjudged them worthy of serious admonition on the ground of the first and fifth, and suspension upon the second.

2. The Presbytery of Cincinnati, deciding the case upon appeal, affirmed the decision of the Session.

3. The Synod of Cincinnati also acting upon it under appeal, reversed the decision of the Presbytery and Session.

4. Your Committee, after hearing all the testimony in the case, and all the parties thereto by their representatives; and after full and protracted consideration, while they find in the proceedings of the Session and Presbytery no evidence of other than a kind and conscientious desire to do justice to all the parties concerned, respectfully recommend the following as the judgment of the Assembly in the case:

Resolved, 1. That the decision of the Synod, reversing the action of the Presbytery and Session upon the first and fifth charges be itself reversed, and the Session be instructed to administer the serious admonition of which they wisely judged the parties to be worthy.

Resolved, 2. That the decision of the Synod, reversing the action of the Presbytery and Session upon the second charge, be sustained in part,

on the ground that the suspension of the parties accused was too severe in the case, and that the Session be recommended to revoke the suspension and admonish the parties.—1865, p. 550, O. S.

b. The order of the day was taken up, viz., the appeal and complaint of Rev. John Skinner, D.D., against a decision of the Presbytery of Lexington declaring him guilty of libel and defamation, and a sentence of suspension from ministerial functions founded thereon. . . . .

The question was then taken on Judicial Case No. 3, viz., the appeal and complaint of John Skinner, D.D., against the Presbytery of Lexington, and the complaint of Rev. Mr. Calhoun against the same Presbytery; and the result was as follows, viz.: To sustain the appeal, 40; to sustain in part, 58; not to sustain, 66.

The Special Committee in the case of Rev. John Skinner, D.D., presented a report, which was adopted, and is as follows, viz.:

The appeal and complaint of the Rev. John Skinner, D.D., against the Presbytery of Lexington, is sustained *pro forma;* the sentence of the Presbytery is revoked, and the appellant restored to all the functions of the ministry of the Gospel.

The complaint of the Rev. William Calhoun and others against the same Presbytery is dismissed.

While the Assembly do fully restore the appellant to the functions of the ministry, and take pleasure in recording that for about seven years he exhibited talents and zeal well adapted to edify the Church of God, and while they trust that he will hereafter show the same ability and fidelity in the Master's cause, they are constrained to express their deep concern at the uncharitable temper and litigiousness exhibited by him before the inferior judicatory, and their disapprobation of his course in printing and circulating his Lexington speech, pending his complaint to the Synod of Virginia.

Wherefore, he is hereby solemnly admonished in relation to these matters, and warned carefully to avoid them in future.

The Assembly regret, moreover, that they find no evidence that any of the parties have, at any stage of this unhappy controversy, resorted to the more private and fraternal methods of making peace among brethren, which are suggested in the Word of God.

And the Assembly do now affectionately and solemnly enjoin on all concerned to cultivate a spirit of charity and forgiveness, to study the things that make for peace, and to seek by importunate prayer the influences of the Holy Spirit, that the wounds inflicted in the progress of this painful case may be healed, and the kingdom and glory of Christ may prevail in the region where these brethren are called to labor.—1848, pp. 26, 41 and 49, O. S.

[Note.—See Book of Discipline, Sec. ix, p. 636.]

4. The decision censures the irregular exclusion of a member. And prescribes the steps to be taken under the old book.

Complaint of Rev. William Perkins *et al.* against the Synod of Illinois. The final vote was taken, with the following result, viz.: To sustain the complaint, 38; to sustain in part, 43; not to sustain, 79. A Committee was appointed to bring in a minute, which was adopted, as follows, viz.:

The Committee appointed to bring in a minute in reference to Judicial Case No. 1, report, first, the facts in the case. A communicant, by the

name of Ambrose Stone, in the Irish Grove church, for a long time abstained from partaking of the communion of the Lord's Supper. He also, for a long time, ceased to worship God in his family. He repeatedly requested the Session to dissolve his connection with the Church of Christ, assigning as the only reason for this course of conduct, that he believed he had never been born again, and that he had no love to Christ. The Session did eventually comply with this request, and resolved that his connection with the Church be dissolved.

This church was under the care of Sangamon Presbytery. The Presbytery upon reviewing the records of the Session of Irish Grove church considered this a case of excommunication, and declared the action of the Session not only unconstitutional, but also null and void, and that Mr. Stone was still a member of the Irish Grove church. The Moderator and elder from that Session claimed the right to vote in this disapproval of their records, which was refused by Presbytery. The Session then complained to the Synod of Illinois of the whole action of the Presbytery in the case. The Synod sustained and approved the action of the Presbytery.

The case was then brought before the General Assembly by the Irish Grove church Session, in the form of a complaint against the Synod of Illinois, because it sustained the action of the Presbytery. The Assembly having fully heard the parties in the case, adopted the following resolutions, viz.:

Resolved, 1. That no church Session has authority to dissolve the connection of a communicant with the Church of Christ, except by excommunication, and that the Sessions of our Church are bound to proceed according to the directions given in our Book of Discipline, when they do excommunicate a member. The Assembly does, therefore, condemn the action of the Irish Grove Session in dissolving the connection of Mr. Stone with the Church of Christ, in the manner in which it did, as irregular and unconstitutional.

Resolved, 2. That the Presbytery of Sangamon acted correctly in not permitting the members of the Irish Grove Session to vote for approving or disapproving their own records; that the Presbytery acted correctly in declaring the action of the Session, in Mr. Stone's case, to be irregular and unconstitutional; and that then the Presbytery, without proceeding further, ought to have required the Session to review and correct its proceedings, in this case, according to the directions given in our Book of Discipline.

Resolved, 3. That the Synod ought to have directed the Presbytery to require the Session to review and correct its proceedings, according to the directions given in our Book of Discipline.—1851, p. 33, O. S.

[NOTE.—See under Book of Discipline, Sec. xlviii. "Cases without Process," p. 665.]

5. The decision finds error in the judicatories below. A Presbytery may not unduly direct and control a Session. Synod may not refuse an appeal from a party aggrieved.

This General Assembly sustains the appeal and complaint of Robert S. Finley and Smith Bloomfield, against the Synod of New Jersey.

In this decision, it is not intended to censure the courts below for want of zeal and faithfulness in doing according to their best judgment what the case required. Much less is it intended to reverse, in form, what has been done in the case of Mr. Finley, so as to restore him to

his pastoral relation, in the Second church of Woodbridge; for this would be not only impracticable, in the circumstances, as they now exist, but inexpedient, even if it were practicable.

But the Presbytery of Elizabethtown erred in attempting too much to direct and control the action of that Session, interfering without being called to do so, according to the forms of our Constitution; in arresting the process of discipline, before it had been issued, while the Session were pursuing it in an orderly manner; and in dissolving the pastoral relation upon a mere presumption of a majority of the people desiring it, without the regular application of either party; thus making what they judged a necessity in the case, of more importance than the forms of the Constitution.

The Synod of New Jersey erred, not only in sustaining the action of the Presbytery in this case, but also in refusing to entertain as an appeal the remedy sought by a party who was both injured and aggrieved by said action of the Presbytery.—1858, p. 300, O. S.

IV. THE DECISION MAY REMIT THE CASE TO THE LOWER JUDICATORY.

1. It may remand the cause for reconsideration.

The business left unfinished yesterday, viz., the consideration of the appeal of Mr. Todd from the decision of the Synod of Kentucky, affirming a decision of the Presbytery of Transylvania, by which decision Mr. Todd was deposed from the Gospel ministry [was taken up], and after considerable discussion of the subject of the appeal, the following resolution was adopted, viz.:

The Assembly having heard the documents in this case, were of opinion that the way is not clear at present, for a reversal of the sentence of suspension; but as it appears to the Assembly that Mr. Todd's opinions have not been perfectly understood, and whereas, there appears to have been some irregularity as to the nature of the testimony admitted on the trial before the Presbytery; therefore,

Resolved, That the Presbytery of Transylvania be directed to reconsider the case of Mr. Todd, to afford him another opportunity of explaining himself, and if they should be satisfied, to restore him to his former standing.—1817, p. 666.

2. A Synod required to remand the case to a Presbytery for rehearing.

The Judicial Commission, to which was referred the complaint of the Rev. William Bryant and others, against the action of the Synod of Iowa, in the case of A. R. Day, presented its report, which was approved, and ordered on record:

The Commission decide that the case presents a question of interpretation of the Constitution, and, therefore, the General Assembly has jurisdiction to hear the appeal. The Commission adjudges that the Synod of Iowa had the right in this case to entertain the petition of A. R. Day, for rehearing, and in its discretion to make an order for rehearing of the appeal from the Presbytery of Waterloo. But the Commission is of the opinion, and so adjudges, that the Synod of Iowa erred in its judgment in dismissing the case, and adjudges that the Synod of Iowa should have remanded the case to the Presbytery of Waterloo for retrial. It is, therefore, the order of the General Assembly that the

appeal be sustained, and that the Synod of Iowa is hereby ordered and required to remand said case to the Presbytery of Waterloo for a rehearing upon the specifications originally filed therein.—1888, p. 132.

[NOTE.—See Form of Government, Chap. xii, Sec. iv, p. 279.]

3. Complaint sustained and Synod ordered to hear and issue the case.

The Judicial Commission in the case of the complaint of the Rev. Nathaniel West, D.D., against the Synod of Minnesota, reported their finding, which was received, confirmed, ordered to be entered on the minutes, and is as follows:

The Judicial Commission appointed to hear the complaint of the Rev. Nathaniel West, D.D., against the Synod of Minnesota, referred by the General Assembly of 1889 to this General Assembly, sustain so much of said complaint as refers to the refusal of the Synod of Minnesota to hear the complaint of Dr. West against the Presbytery of St. Paul. We judge that the reasons assigned by the Synod for that refusal are insufficient. The Synod of Minnesota is therefore directed at its next stated meeting to hear fully the complaint of Dr. West against the Presbytery of St. Paul, upon its merits, and to issue the same according to the provisions of the Book of Discipline. The facts of the complaint subsequent to the point just decided are necessarily involved in the full and fair hearing of Dr. West's complaint against the Presbytery of St. Paul, as the latter complaint covers not only the constitutional powers of the Presbytery, but also the wisdom of their exercise under the circumstances of the case.—1890, p. 109.

4. Judgment reversed and case remanded for new trial.

[NOTE.—See case of Dr. Charles A. Briggs, this *Digest*, p. 46.]

5. Judgment reversed and case remitted on grounds stated.

On the complaint of William H. Beecher and others against the Synod of Genesee, in the case of the appeal of Dr. Frank from the decision of the Presbytery of Genesee, the General Assembly sustain the complaint and reverse the judgment of the Synod on the following grounds, viz.:

1. That the merits of the case seem to be expressly declined by the Synod as the subject-matter of adjudication.

2. That the Synod appear not to have adhered to the alternatives prescribed by the Constitution. See Book of Discipline (Old), Chap. vii, Sec. iii, Sub-sec. x.

3. That the Synod seem to have forgotten the nature and the limits of their appellate, as distinguished from the original jurisdiction in the case, in that they censure at their bar the appellant, in a way competent, in any circumstances, only to the Session of the church to which the appellant was primarily amenable.

4. That they seem to have forgotten also, in restoring the appellant, that some expression of repentance ought to have been exacted, especially if their reprimand could, from any tribunal, have been deserved.

The Assembly therefore rule, that the Synod of Genesee should review their proceedings in this case, and regarding alike the rules of the Constitution and the merits of the case, that they proceed to issue the same with equity and wisdom.—1840, p. 11, N. S.

6. Referred back to the judicatory below, with instructions.

a. *Whereas*, It appears that the decision of the Synod of Missouri in the case of the complaint of Franklin Knox has been recorded in resolutions which set forth, not the reasons for the decision in the case, but which are, in fact, a compromise; which also admit that, at most, there is a strong presumption of guilt, but not evidence, agreeably to the Constitution, sufficient to convict; therefore,

Resolved, That the complaint of Franklin Knox against the Synod of Missouri be referred back to the lower judicatory, and that the Synod be and hereby is instructed to reconsider said resolutions, and record their decision agreeably to the evidence and the principles of justice recognized in our Constitution.—1852, p. 173, N. S.

b. The Judicial Commission to whom was referred the appeal and complaint of the Second Presbyterian church of Jacksonville, Ill., and Rev. Emanuel R. Pirez *vs.* a decision of the Synod of Illinois Central, presented their report, which was adopted, and is as follows:

Your Judicial Commission in the case of the appeal and complaint of the Second Presbyterian church of Jacksonville, Ill., and Rev. Emanuel R. Pirez against a decision of the Synod of Illinois Central, beg leave to report that they find the action of the Synod of Central Illinois defective in that it does not recognize the fact, which appears upon the records of the Presbytery, that charges had been made against Rev. Mr. Pirez, affecting his moral and ministerial character, which charges had been made by persons recognized, by formal vote of the Presbytery, as accusers, and which charges were referred by the Presbytery to a Judicial Committee with instructions to report thereupon, but which charges have never been brought to an issue.

This Committee do, therefore, sustain the complaint and appeal of the Second Portuguese church and of Rev. Emanuel R. Pirez, so far as to direct the Synod to remand the case to the Presbytery, with instructions to try, or formally dismiss, the charges above mentioned, and, in case of his innocence, determine the question of the expediency of the continuance of the pastoral relation, in such a manner as they may judge to be just to the contending parties and for the interests of religion.—1874, p. 46.

7. The decision details the irregularities of the judicatories below.

The consideration of the report of the Committee appointed to prepare a minute on the subject of Mr. Craighead's appeal from a decision of the Synod of Kentucky, suspending him from the Gospel ministry on certain charges of heresy, founded on a sermon preached before the Synod, was resumed, and after some discussion, the report was adopted, and is as follows, viz.:

1. The General Assembly are of opinion that the conduct of Mr. Craighead in preaching such a sermon, and in such circumstances, before the Synod of Kentucky, especially as he had been suspected by his brethren of holding erroneous opinions, was highly reprehensible.

2. The General Assembly approve the conduct of the Synod in relation to this matter. While they were firm and zealous in maintaining what they believed to be truth, they were to an uncommon degree, respectful and affectionate in their manner of dealing with Mr. Craighead. As the sermon was delivered in their hearing, believing, as they did, that it

contained dangerous error, they were bound to take notice of it and express their opinion to the preacher. . . . .

6. It is not surprising that in a case so new and difficult some considerable errors in point of form should have occurred; the principal of these the General Assembly will now briefly point out.

(*a*) There was a great deficiency in the charge preferred against Mr. Craighead as it relates to precision. All charges for heresy should be as definite as possible. The article or articles of faith impugned should be specified, and the words supposed to be heretical shown to be in repugnance to these articles, whether the reference is made directly to the Scriptures as a standard of orthodoxy, or to the Confession of Faith, which our Church holds to be a summary of the doctrines of Scripture. But in none of the charges against Mr. Craighead is this done; and in two of them, third and fourth, it would be very difficult to say what articles of faith are supposed to be contravened in the errors charged on Mr. Craighead. And the last two charges appear to be so vague and indefinite as to be incapable of proof. In the fifth Mr. Craighead is charged with perverting, etc., the sentiments of the preachers and writers in our connection. Now, in our connection, there are a multitude of preachers and writers differing by many shades of opinion from each other. How then can this be a just ground of accusation? In the sixth, he is charged with the false coloring of facts, etc. But no facts are established by evidence; none are specified in the charge; and to make it a just ground of accusation, it ought to have been a designed and malicious discoloring of the facts, etc.

(*b*) In the progress of this case, the Presbytery proceeded regularly to cite the accused, once and again, and upon his not appearing, they proceeded to the trial, and having gone through the evidence, they referred the whole to the Synod to adjudicate upon it, with the expression of their own opinion, that Mr. Craighead ought to be suspended. The Synod met immediately after Presbytery, and took up the case, and in concurrence with the opinion of the Presbytery, suspended Mr. Craighead from the Gospel ministry.

(*c*) In this proceeding, the General Assembly are of opinion that there was too much haste. Mr. Craighead was not guilty of contumacy, for he wrote two letters to the Presbytery, excusing himself for non-attendance; and if he had been guilty of contumacy, he ought to have been suspended on that ground. Perhaps no man ought to be tried on charges preferred, and to be supported by evidence, who is not present, without his own consent. A trial, in the nature of things, cannot be impartial when there is but one party heard. And in this case no injury would have been sustained by delay, for the Synod might have proceeded instantly to condemn the errors of Mr. Craighead's book, as the General Assembly did in the case of *The Gospel Plan* of W. C. Davis; the process against the author, however, did not commence till some time afterward. But, however this may be, the General Assembly think that the Synod were in too much haste. It was reasonable that Mr. Craighead should have been informed of this transfer of the cause to a higher tribunal.

(*d*) There is only one other thing in the proceedings on which the General Assembly will remark, which is, that statements were given as evidence, by the members of Presbytery, which are not recorded, and

which do not appear to have been given under the usual solemnity of an oath.—1824, pp. 120–122.

8. The case remitted with instructions.

a. *Resolved*, That as the proceedings in the case of Mr. Craighead have been, in many respects, irregular, and he has suffered much injury from the delay produced by these irregularities: And, whereas, also the charges are not so conclusively established as to remove all doubt, the General Assembly cannot see their way clear finally to confirm the sentence of the Synod of Kentucky, although they are of opinion, that Mr. Craighead has subjected himself, by preaching and printing this sermon, to just censure. But as Mr. Craighead has had no fair opportunity of vindicating himself or of making satisfactory explanations or retractions, therefore,

Resolved, That the whole cause be transmitted to the Presbytery of West Tennessee, in the bounds of which Mr. Craighead resides; and that they be directed to give him an early opportunity of offering that satisfaction which the Church expects, for the offence received; and that upon receiving such explanations or retractions as to them shall be satisfactory, Mr. Craighead be restored to the Gospel ministry from which he had been suspended.—1824, p. 124.

[NOTE.—Mr. Craighead was restored to the ministry by the Presbytery of West Tennessee, but died before the next Assembly.]

b. See complaint of Edward Graham *et al. vs.* the Synod of the Pacific. The irregularities are detailed and the case remanded to the Synod with instructions. See Book of Discipline, Chap. v, Sec. xxiv, above.—1881, pp. 586, 587.

c. In the matter of the complaint of Rev. Edward Graham and others, against the Synod of the Pacific, for refusing to sustain the complaint of Frederic E. Shearer, and others, against the Presbytery of San Francisco, for its action in dropping the name of the Rev. John D. Strong from its roll, and its proceedings in regard thereto, the General Assembly of 1881 found the irregularities and deficiencies in the records, both of the Presbytery and of the Synod, so great, and the information furnished by the records of both bodies so meagre, that it could not come to any intelligent decision. The General Assembly therefore ordered "that the complaint be referred to the Synod of the Pacific, with instructions to take such action in the premises as the interests of religion and the good order of the Church may seem to them to demand" (see *Minutes*, 1881, pp. 586, 587). It now appears that the Synod of the Pacific, being in session on the 11th day of October, A.D. 1881, and having before it the above-recited action of the General Assembly of 1881, adopted the following resolutions:

1. "The Presbytery of San Francisco is hereby instructed to correct its records in the case of John D. Strong, by putting on record a minute giving reasons for its action in dropping the name of John D. Strong from its rolls."

2. "The Synod of the Pacific, in the case of the complaint of Rev. Frederic E. Shearer and others against the Presbytery of San Francisco, hereby corrects the deficiency of its records by adopting the following minute or record as its judgment in the case: *Resolved*, That the Synod of the Pacific do not sustain the complaint against the action of the Presbytery of San Francisco in the case of John D. Strong, believing

that the action of the Presbytery was, under the circumstances, the best course for the interests of religion and the good order of the Church."

Against this action of the Synod of the Pacific, complaint is now made to the Assembly by Rev. Frederic E. Shearer and seventeen other members of that Synod. It appears, therefore, that the Synod of the Pacific, while declaring its intention to correct the deficiency of its records, did not in any respect correct, but did in reality increase, the irregularities in its proceedings, by directing the Presbytery of San Francisco to correct its records by giving reasons for its action, and thereupon immediately proceeding to assign the reasons for its own action, forgetting apparently that, as an appellate judicatory, the Synod must await the correction and completion of the record of the Presbytery before it could correct its own. Perhaps the irregularity of this action is more evident when it is observed that the reason assigned by the Synod for not sustaining the complaint against the Presbytery is couched in the same language used by the General Assembly of 1881 in its instructions to the Synod, and asserts that the action of the Presbytery, declared by the General Assembly of 1881 to be so defective and irregular, was the best " for the interests of religion and the good order of the Church."

It is difficult to understand how this action could be supposed to satisfy the instructions of the General Assembly of 1881; and yet the Committee would be very reluctant to infer that the Synod intended to be obedient to the letter and disobedient to the spirit of those instructions. But the good order of the Church certainly requires that the Synod should in a proper manner obey them. And it is manifest that it is no more possible for this General Assembly than it was for that of 1881 to reach an intelligent decision in the present condition of the records.

The Committee recommend, therefore, that the complaint be referred to the Synod of the Pacific, with instructions to refer the matter to the Presbytery of San Francisco, with instructions to that Presbytery to proceed in the case in an orderly manner. Adopted.—1882, pp. 100, 101.

9. Unconstitutional acts detailed. The case remanded.

The Committee to prepare a minute expressive of the sense of the Assembly in sustaining the complaint of Rev. J. A. Smylie against the Synod of Mississippi, submitted the following, which was adopted, viz.:

1. That the decision of this Assembly in sustaining the complaint of Rev. Mr. Smylie against the Synod of Mississippi is not to be regarded as deciding the merits of the original question—that is, the guilt or innocence of the individual in respect to whom this case originated.

2. That the Presbytery of Louisiana should have recorded the results of the interlocutory meeting referred to in the complaint.

3. That the Synod acted unconstitutionally in permitting the Presbytery of Louisiana to vote on the adoption of the report of the Judicial Committee on the complaint of Rev. Mr. Smylie.

4. That the Synod should have placed on its records the above-mentioned report.

5. That the Presbytery of Louisiana erred in pleading the limitation of time for their non-compliance with the resolution of the Synod, referring this whole case to them for a full investigation.

6. That the case be remanded to the Presbytery of Louisiana accord-

ing to the resolution of the Synod, for such action as is demanded by the Book of Discipline.

7. That the decision of the Assembly, together with the foregoing minute, be recorded in the minutes of the Synod of Mississippi and of the Presbytery of Louisiana.—1850, p. 481, O. S.

10. Referred back by consent of parties.

Judicial business No. 9, reported by the Judicial Committee, viz., the complaint of Alexander M. Cowan against the Synod of Utica, was taken up and the complaint read, when, with the consent of Mr. Cowan and the members of the Synod present, it was

Resolved, That the subject be referred back to the Synod of Utica; and they are hereby directed to issue the case as referred to them by the Presbytery of Otsego.—1834, p. 434.

11. Discretion of a judicatory is not subject to review.

They had the right to send the case back to the Presbytery or to review the whole of it, according to their discretion. It is not for this court to decide which would have been the wiser course. The Synod judged it best to review the whole case, and their discretion is not a matter of review by this body.—1864, p. 475, N. S.

[NOTE.—Case of S. Edwards Todd. See also Book of Discipline, Sec. lxxxiii, 7 and 8; the misuse or abuse of discretionary power is reviewable; see Book of Discipline, Sec. xii, p. 638.]

12. Remitted on the recommendation of the Judicial Committee.

a. Also, a complaint of Christian Kern and others of the First Presbyterian church of New Orleans.

The Committee recommend that it be again referred to the Presbytery of New Orleans, with the injunction that the complainants be allowed a hearing. Adopted.—1871, p. 547.

b. The Judicial Committee reported an appeal of the Rev. Francis M. Dimmick from the Presbytery of Missouri River, recommending that the papers in the case be returned to the parties presenting them, that they may be adjudicated by the Synod of Iowa South.

The recommendation was adopted.—1872, p. 50.

c. The Judicial Committee reported a complaint of the Rev. Christian Kern against the Presbytery of New Orleans. The Committee recommend that the complainant be referred to his Synod for redress.

The report was adopted.—1872, p. 84.

13. In passing judgment a judicatory may not open a case already settled.

Judicial Case No. 11 is the appeal of Dr. Thomas F. Worrell against the Synod of Illinois, together with the complaint of the Rev. Isaac A. Cornelison against the same Synod.

The Committee report that the appeal and complaint relate to the same matter, and they recommend that they be tried together as one cause.

The papers are in order, and the case is ready for trial.

The Committee find, further, that the Synod, in a minute expressing its judgment in a case then pending, to which Dr. Worrell was a party, adopted the following as a part of their judgment: "And, further, inasmuch as this trial grew out of a previous one with Dr. Worrell, in which the adjustment partook of the nature of a compromise, and certain irregu-

larities which are not constitutional; and as the ends of discipline were not accomplished in the case of Dr. Worrell, the Session of that church should review their proceedings in his case." This part of the minutes is the subject-matter of the appeal and complaint. In the judgment of the Committee, it was not competent for the Synod, when judicially determining one case, to open another case already settled and determined; this last case having been adjusted two years before, and the record of the adjustment having already passed before Synod by way of review and control. The Committee, therefore, recommend that the appeal of Dr. Worrell be sustained. The complaint of Mr. Cornelison being to the same effect is determined by this judgment on the appeal.—1863, p. 67, O. S.

14. The decision sustains the lower judicatory in part, but a person once restored can be condemned again only by new process and conviction.

The appeal of the Presbytery of Onondaga, from a decision of the Synod of Geneva, relative to the restoration of the Rev. John Shepherd to the Gospel ministry, who had been deposed by the Association of Fairfield, Conn. The following resolutions were adopted, viz.:

Resolved, 1. That the decision of the Synod of Geneva relative to the restoration of the Rev. John Shepherd to the office of the Gospel ministry, so far as it censures the restoration of said Shepherd, who was deposed by a judicatory of the Church of Christ in fellowship with us, be and hereby is confirmed; because it did not appear from the records of the Presbytery of Onondaga, that said restoration took place in consequence of any confession of the alleged crime for which the said Shepherd was deposed, or of any profession of penitence for it, or of any conference with the judicatory which deposed him.

2. That the appeal of the Presbytery of Onondaga, so far as it relates to the rescinding of their vote to restore the Rev. John Shepherd, be and hereby is sustained on the second reason of appeal, and upon that alone; because the Assembly judges that a minister of the Gospel, when once restored by Presbyterial authority, cannot be deprived of his office, except it be by a new process and conviction.—1818, p. 687.

15. The decision reverses all the judicatories below and restores the appellant.

The Assembly took up the appeal of Dr. John Rollins from a decision of the Synod of West Tennessee, affirming a decision of the Presbytery of Mississippi, affirming a decision of the Session of the First church of New Orleans, by which he had been excluded from the privileges of the church. . . . .

The final vote was taken when the appeal was sustained, and the decision of the Synod was reversed, and Dr. Rollins was restored to the privileges of the church.—1830, p. 307.

16. The decision declares and decides the several issues involved.

The Committee appointed to express the judgment of this Assembly on the memorial and complaint of the Session of the Fifth church of Philadelphia, recommended the adoption of the following resolutions, which were accordingly adopted, viz.:

1. Inasmuch as the act of the Synod of Philadelphia, uniting the Second Presbytery of Philadelphia to the Presbytery of Philadelphia,

was in contravention of the act of the General Assembly passed in 1832, by which that Presbytery was erected, and inasmuch as the act of the Synod aforesaid, by an appeal, was to be reviewed and acted on, by the next General Assembly; therefore,

Resolved, That the complainants of the Fifth church erred in changing their Presbyterial relation, and uniting with the Second Presbytery of Philadelphia Synodical.

2. While Presbyteries have the right, according to the Constitution, to visit the churches under their care, to take measures to correct any evils that may exist in them, nevertheless, as in this case, the Session presented no request, and there was no apprehension that the pulpit would not be supplied, the Assembly think the Second Presbytery erred in insisting on the right to supply the pulpit of the Fifth church under the then existing state.

3. As the majority of the Session felt themselves constrained to leave their house of worship, and were accompanied by a large number of the communicants, and as they had a show of reason for applying to the Second Presbytery Synodical, by the act of the Synod of Philadelphia forming that Presbytery, the decision of the Second Presbytery in declaring the four elders no longer elders of the Fifth church under their care, if designed to affect either their character or their standing, is hereby declared to be void.

4. In the opinion of this Assembly, the entire Fifth church is under the care of the Second Presbytery of Philadelphia, and it is hereby declared to be an integral part of it.—1834, p. 452.

17. The decision restores the status quo.

The appeal and complaint of Thomas Bradford, Esq., and others against a decision of the Second Presbytery of Philadelphia, dividing the Fifth Presbyterian church in Philadelphia into two churches.

The question was put, "Shall the appeal and complaint be sustained?" and was carried in the affirmative.

Whereupon it is ordered and decreed by this General Assembly that the act and decision of the Second Presbytery of Philadelphia, which divides the Fifth Presbyterian church of the city of Philadelphia into two distinct churches be and the same is hereby reversed; and the said Presbytery is hereby directed to restore to the Session of said church the book of minutes of said Session.—1835, p. 478.

18. A superior judicatory may not compel an inferior to reverse its decision without assigning reasons.

a. The report of the Committee on the Records of the Synod of Pittsburgh, as amended, was adopted as follows:

Your Committee would respectfully report that the records have been well kept, and are in good order.

And would further report that on pages 214 and 215 we find this minute: "The Judicial Committee report," etc., etc. (See *Minutes.*)

The case appears to have been taken up, and the parties heard; and on page 227 it is recorded, "The complaints," etc., etc.; also, "A Committee," etc.; and on page 231, "The report of said Committee," "In not sustaining," etc. We also find, on page 227, this minute, "The Committee on the Records," etc.

With reference to this action, your Committee would respectfully move

the adoption of the following minute, viz.: Inasmuch as it is contrary to the spirit and principles of the Presbyterian Church, and subversive of the true design of ecclesiastical discipline, for a superior judicatory to compel an inferior court to reverse its decision, rendered after a full, fair and impartial trial, without assigning and placing on record some specific reason for such reversal, that the records, so far as they relate to this point in this case, be disapproved. Adopted.—1874, p. 86.

b The Judicial Commission appointed in case No. 5, being the appeal of Mrs. M. J. Browning from a decision of the Synod of Geneva, presented the following report, which was ordered on record as the judgment of the Assembly:

That the Assembly sustain the appeal:

1. Because a superior court cannot order an inferior court to rehear a case already decided, when no intimation of additional evidence is given.

2. Because, in sending back the case the Synod passed by the Presbytery, in which the case had once been adjudicated.

3. Because reference is by a lower to a superior court, and is voluntary and not subject to the order of a higher court.—1878, p. 34.

19. The decision explains the true intent of the action complained of. Deposition by another denomination after reception to membership in Presbytery does not impair good standing.

The General Synod of the Reformed Church in America complained against the Presbytery of Philadelphia Central, for the following causes:

1. The Presbytery, on the 9th of June last, received under its care a congregation which had, until that time, been under the care of a Classis of the Reformed Church and had been known as the Third Reformed church of Philadelphia, and united it with the Western Presbyterian church of Philadelphia, giving the new organization the name of Immanuel Church.

2. On November 17, 1873, the Presbytery received, as a member, Rev. Charles Wadsworth, a member until then of the Classis of Philadelphia—the Classis having refused to grant him letters of dismission.

The delegate of the Reformed Church, as instructed by the General Synod, presents these facts to the consideration of the General Assembly, alleging that the action of the Presbytery "is not in accordance with the friendly spirit of the terms of the correspondence which exists between the General Assembly of the Presbyterian Church and the General Synod of the Reformed Church."

The Special Committee reported, and their report was adopted, viz.:

Your Committee, after attentive study of the case, reach the following conclusions:

1. There is no reason to think that the Presbytery had any disposition to encroach upon the province of the Classis, or to disturb either the pastoral or ecclesiastical relations of one of its congregations.

They appear simply to have been willing to receive, in brotherly love, a congregation and a minister who wished to come to them from a sister Church, to whose judicatory no unkindness and no discourtesy was intended, and with which the Presbytery desired the most cordial fellowship.

2. The Presbytery seems to us to have erred in not directly consulting the Classis, so as to make sure that there had been no mistake as to the

facts, and that the fraternal spirit in which the Presbytery desired to act might have been manifest to the Classis from the beginning.

3. While we regret this unintended lack of courtesy on the part of the Presbytery, we cannot deny the right of a congregation or of a minister to withdraw from the jurisdiction of either a Classis or Presbytery for reasons such as those alleged in this case. To forbid this would seem to us "not in accordance with the friendly spirit of the terms of the correspondence" between the two bodies, and an injurious abridgment of congregational and ministerial liberty.

4. The question of property is to be left to the civil tribunal. The Assembly exhorts the congregation to submit it frankly and unreservedly and by no means to imperil spiritual interests by protracted or strenuous litigation.

5. The Assembly cannot regard the act of the Classis, in deposing Mr. Wadsworth, after his reception to membership in the Presbytery, in the state of facts already recited, as impairing his good standing in the Church and the ministry.—1874, pp. 62, 63.

C. When the judgment directs admonition or rebuke, notice of Appeal shall suspend all further proceedings; but in other cases the judgments shall be in force until the Appeal is decided.

1. An appeal arrests all further proceedings until it be issued.

It moreover appears that the General Assembly of the year aforesaid, having adopted the protest of the members of the Synod of Kentucky as their own act, did declare that Mr. Craighead had been deposed, whereas the decision of the Synod was suspension; and although the Synod did direct the Presbytery to which Mr. Craighead belonged to depose him, if he did not at their next stated meeting, retract his errors, this sentence could not have been constitutionally inflicted, because Mr. Craighead appealed from the decision of Synod; the effect of which was to arrest all further proceedings in the case until the appeal should be tried; therefore, the sentence of the Assembly declaring Mr. Craighead deposed does not accord with the sentence of the Synod, which was suspension. —1822, p. 52.

[NOTE.—Where the case is continued at the request of the appellant, the sentence remains in full force until the case is issued.—1858, p. 580, N. S. See Sec. xcvii, above, case of C. H. Baldwin, p. 737.]

2. Interpretation of Section 100.

The Judicial Commission appointed by the General Assembly to try Judicial Case No. 7 reports for approval its judgment upon the following questions of Constitution and law:

1. According to Sec. 100 of the Book of Discipline, "When the judgment directs admonition or rebuke, notice of appeal suspends all further proceedings, but in other cases" (viz., when the judgment directs suspension, deposition or excommunication, see Sec. iv) "the judgment shall be in force until the appeal is decided," and this we interpret to mean until it is finally decided by the highest judicatory to which the case is carried.

2. After a Synod or a Commission of Synod, sitting as a court for the trial of a case, has concluded the case, and adopted its final judgment, and the same is a matter of record, it is not competent for the Synod in

ordinary session and not constituted as a court, to interpret the judgment or in any way to modify it. Approved.—1896, p. 151.

3. To proceed to trial while the appeal is pending is unconstitutional and void. The Assembly and not the inferior judicatories is the judge of the question of constitutionality.

Appeal of John W. Chambers *vs.* the Presbytery of St. Clairsville. In this case, Mr. Chambers gave notice of appeal and complaint, which is duly certified by the Stated Clerk of the Synod of Ohio as having been lodged in due time. A copy of the appeal, etc., and reasons are annexed.

In this case the Judicial Committee are not able, from the record, or from the papers of the appellant, to decide that the decision of the Synod was irregular in the respects specified. But it appears from the accompanying papers that the Session of the church at St. Clairsville proceeded at once to cite the appellant to appear for trial notwithstanding the fact that he had notified them of the fact that he had taken an appeal from the decision of the Synod, on the ground of the irregularity, *i. e.*, unconstitutionality of its action. The Assembly, not the inferior judicatories, is the judge of the question of constitutionality. The Committee recommend that the appeal be dismissed, and that the proceedings of the Synod be approved; but that the action of the Session of the church of St. Clairsville, in proceeding to trial, while the appeal was pending, is unconstitutional and void.—1890, p. 130.

4. Suspension is continued until the issue of the appeal, which must be at the next meeting of the judicatory above.

T. F. Worrell requested the Assembly to answer the following question, viz., Whether, when a person is suspended from the church by a Session, and restored by the Presbytery, the notice of appeal by the Session continues the person under suspension; and if so, how long can such suspension be continued without the appeal being issued?

The Committee recommend that the following answer be returned, viz.: That the notice of appeal does continue the person under suspension until the appeal is issued, which must be at the next meeting of the upper court.

The recommendation was adopted.—1862, p. 597, O. S.

5. An appeal against certain action does not debar the judicatory from acting upon the continued disturbed state of the Church.

The question of a dissolution of the pastoral relation between Dr. McPheeters and the Pine Street church was originally brought in an orderly manner before the Presbytery, by petition from a minority of said church, and a personal tender of resignation by the pastor, and after all the constitutional steps were taken with care and deliberation was decided by the Presbytery acting for the peace and welfare of the church.

That which was called an appeal and complaint to Synod from that action could not so suspend all further proceedings as to prevent the Presbytery from considering and acting upon the continued disturbed state of that congregation.—1864, p. 327, O. S.

[NOTE.—See Form of Government, Chap. x, Sec. viii. Also Book of Discipline, Sec. lxxxv. One-third of a judicatory can suspend the operation of a complaint in cases non-judicial. See p. 717.]

6. Where a Session is dissolved an appeal continues the rights of the elders as to the higher judicatories until it is issued.

An overture from the Presbytery of Louisville:

"When, by an act of Presbytery, a church Session is dissolved, and the elders composing said Session are ordered to cease any longer to exercise their office, does an appeal from this action to a higher court, by said elders, secure to them the right to sit in the various judicatories of the Church until said appeal is decided?"

Answer: The effect of an appeal is to continue all the rights of the elders, as to representation in the higher courts, until the appeal is finally issued by the higher judicatories. Adopted.—1881, p. 587.

[NOTE.—Under the present Book this could be entertained as a complaint only, in which case Sec. lxxxv, p. 717, provides that one-third of the members may stay the execution of the decision until the final issue of the case.]

CI. The judicatory whose judgment is appealed from shall send up its records, and all the papers relating thereto, and filed with the record. If it fails to do this, it shall be censured; and the sentence appealed from shall be suspended, until a record is produced on which the issue can be fairly tried.

1. Copies made by the appellant not sufficient. The records or authenticated copies required.

That by the "forms of processes," etc., Mr. Bourne ought to be "allowed copies of the whole proceedings" in his case; yet "the judicatory appealed from" is, by the same rules, "to send authentic copies of the whole process;" his copy, therefore, which he says was taken by himself, but is not shown to the Assembly, is not sufficient; his affidavit is not required by the course of proceeding in this body; and the three papers presented by him are not to be considered as the commencement of a cause, or the entry of an appeal in this judicatory. Nevertheless, Mr. Bourne shall not suffer any inconvenience which the Assembly can prevent on the account of any failures of the inferior judicatories, if a default should in future appear on their part, the evidence of such circumstance being not as yet made clear to this Assembly.—1816, p. 627.

2. On the failure of the judicatory to send up authenticated copies of the testimony, the appeal is sustained.

The Committee appointed to prepare a minute on the decision of the Assembly sustaining the appeal of Mr. Pope Bushnell from a decision of the Synod of New York, affirming the decree of the Presbytery of Hudson, by which the said Mr. Bushnell had been suspended from the privileges of the Church, made the following report, which was adopted, viz.:

That the appellant, having given due notice that he did appeal, appeared regularly before the Assembly; and that while the Presbytery and Synod have sent up their records in the case, neither has forwarded to this Assembly an authentic copy of the testimony taken on the trial. The Assembly did therefore decide that Mr. Bushnell's appeal be and it hereby is sustained, so that he is restored to all his rights and privileges as a member of the Church of Christ.—1826, p. 187.

3. Where judicatories fail to send up documents the case is remanded.

It appearing from the official certificates of the Stated Clerks of all the courts below that important documents in evidence before the Session which first tried the case were not sent to the Presbytery and Synod, it is therefore

Ordered, That this case be sent back to the Presbytery of Charleston for a new trial, and that the Session of the church of Columbia be directed to correct their record and to send to Presbytery an authentic copy of all the evidence and all the documents before them.—1843, p. 186, O. S.

4. The judicatory directed to perfect its records and send up to the Assembly its reasons for the action complained of.

Complaint of the Rev. Dr. N. West against the Synod of Minnesota. Dr. West complains against the Synod of Minnesota for its refusal to entertain a complaint against the Presbytery of St. Paul on certain grounds stated in his complaint. Our Book requires that the judicatory whose judgment is appealed from shall send up its records, and all the papers relating thereto, and filed with the record, and failing to do so the sentence appealed from shall be suspended until a record is produced on which the case can be fairly tried.

In view of the fact that the Synod of Minnesota has failed to record its reasons for rejecting the complaint of Dr. N. West, and also that the records in the case are otherwise incomplete, your Committee recommend that the hearing of the complaint be deferred to the next General Assembly and that in the meantime the Synod of Minnesota be directed to perfect the records and to forward to the next General Assembly the reasons for their action in the matters complained of by Dr. West, and that the Synod shall furnish him with a copy of all new matter.—1889, p. 110.

5. Judgment suspended until a record is supplied on which the issue may be tried.

1. The appeal of Rev. John Peacock against the action of the Synod of Pennsylvania, in the matter of the complaint of Rev. John Peacock against the action of the Presbytery of Philadelphia North. Your Committee find that the Synod of Pennsylvania considered and acted upon said complaints, but failed to record their subject-matter. This defect in the minutes makes it impossible for the Assembly to determine whether there is any constitutional question involved in the case, or whether the reasons assigned for the appeal are valid. It is recommended, in accordance with Sec. ci, of the Book of Discipline, that the judgment appealed from be suspended until a record is produced on which the issue can be fairly tried.

2. The complaint of Rev. William P. White against the Synod of Pennsylvania relates to the same action as the appeal of Rev. John Peacock and is obscured by the same defect in the record. It is recommended that action be deferred. The hope is expressed that the case may be satisfactorily issued by the Synod of Pennsylvania, and that there may be no occasion for a renewal of the appeal or the complaint. —1889, p. 110.

6. In the absence of papers referred to in the records and of attested copies of the charges, the case postponed.

The Judicial Committee reported No. 1, the complaint of James Russell against the Synod of Georgia.

It appears to the Committee that Mr. Russell has conducted his complaint in due form, but the Synod has failed to furnish the documents needful to its prosecution. The minutes of Synod are present, and complainant has furnished attested copies of minutes of Presbytery and of the testimony of witnesses examined. But we have still no attested copy of the charges which had been the basis of the original trial, nor of sundry papers referred to in the Presbytery's records, and which had been received as testimony. The Committee recommend to the Assembly the adoption of the following resolutions in the case:

Resolved, 1. That the Synod of Georgia be directed to send up to the next Assembly authenticated copies of all their records, and of the whole testimony relating to the matter of the complaint, together with their reasons for not sending up the papers to this Assembly, unless the case shall be previously adjusted.

Resolved, 2. That all the papers received from the complainant be returned to his own custody. Adopted.—1852, p. 212, O. S.

7. Case remanded with directions as to procedure and as to the records.

Appeal of Heber Donaldson against the Synod of Erie.

The Assembly finds that there are two branches to this case: the first involving questions of jurisdiction; and the second, the merits of the case. This Assembly is not now able to determine either of these questions, on account of the meagreness of the records, and on account of certain irregularities which are alleged to have occurred in the trials below. Therefore the Assembly, reserving its judgment, both on the questions of jurisdiction and the merits of the case, hereby remands the whole case to the Session of the church at Emlenton, with the direction to table new charges with adequate specifications, and cite the accused to answer, taking care that the specifications, if confessed, or, if they are denied, the evidence, shall show a case which will justify the judgment they may render. And the Session are instructed to conduct the trial in exact accordance with the Book of Discipline, and make a clear and full record of all their proceedings in the case.

The report of the Committee was adopted.—1882, p. 107.

8. In the absence of records the Synod censured and the case postponed.

Complaint of Smiley Shepherd *vs.* the Synod of Illinois. The records of the Presbytery of Bloomington, necessarily involved in the case, being absent, the Committee recommend that the Synod be censured for neglecting to send up the records, and that the case be deferred for trial until the records appear. Adopted.—1861, p. 304, O. S.

9. The case dismissed and the papers returned.

The Commission on "a complaint of Rev. James W. Wightman and others *vs.* the Synod of Pittsburgh" reported, recommending that, as all the papers are not before the Commission, be it

Resolved, 1. That the attention of the Synod be called to the Book of Discipline (Old), Chap. vii, Sec. iii, Sub-sec. xvi.

Resolved, 2. That the case be dismissed and the papers returned.

The report was adopted.—1874, p. 47.

10. Where the absence of papers is the fault of the defendant, the case dismissed and the judgment affirmed.

Complaint of J. G. Monfort, D.D., *et al. vs.* the Synod of Cincinnati. It appearing from the minutes of the Presbytery that its judgment and action were correct upon the facts stated therein, and there being no showing of any other facts in the minute of the Synod whereon to rest its action, and the absence of the papers (if there are any) being the fault of the Synod, your Committee recommend that the proceedings be dismissed and the judgment of the Presbytery stand affirmed. Adopted. —1867, p. 331, O. S.

CII. Appeals are, generally, to be taken to the judicatory immediately superior to that appealed from.

1. Appeals may be carried directly to the Assembly.

a. That inasmuch as the request of Mr. Bourne to be tried on an appeal before the General Assembly rather than the Synod may be reasonable, and inasmuch as the words of our Constitution, viz., "The Assembly shall receive and issue all appeals and references which may be regularly brought before them from the inferior judicatories," etc., have been interpreted favorably to such a request, the General Assembly do order, that a certified copy of the records of the Lexington Presbytery in this case be duly made, and transmitted to the next Assembly, unless the Synod of Virginia, to which the Assembly can have no objection, shall have previously received the appeal. [But that this constitutional question, as well as the merits of the case, shall remain open for discussion at that time.]—1816, p. 626.

b. *Resolved*, That the records of the Synod of Virginia be approved, except their censure of the Presbytery of Lexington for allowing an appeal from their decision directly to the Assembly, without noticing the supposed irregularity of such appeal.—1818, p. 688.

c. The Committee, on an overture from the Presbytery of Baltimore, in relation to the practice of inferior judicatories in carrying appeals and complaints directly to the General Assembly, without first bringing them to their respective Synods, made the following report, which was adopted, viz.: That the Constitution of our Church is so explicit that it requires no order of the Assembly in relation to the case brought to view in this overture.—1833, p. 396.

d. The order of the day, viz., the consideration of Mr. Rowland's motion to refer to the Synod of New York, the adjudication of the appeal of Louis Tappan, was taken up. The motion to refer the case to Synod was lost. The Assembly then decided to hear the case.—1839, p. 56, reprint, N. S.

e. An appeal by the Rev. William W. McLane, from a decision of the Presbytery of Steubenville. The Committee report that they find

the case in order. The appellant was tried by the Presbytery at the spring meetings held in Augusta and Wellsville, O., in the months of April and May, 1883, on the charge of heresy. The Presbytery sustained the charge, and suspended the appellant from the Gospel ministry. Dr. McLane appeals directly to the General Assembly, and asks that the case be taken up and issued by this Assembly. Chap. vii, Sec. iii, Sub-sec. vi, of the Book of Discipline (Old), is as follows: "Appeals are generally to be carried in regular gradation from an inferior judicatory to the one immediately superior."

Your Committee do not find, in the reasons given by the appellant, sufficient cause to warrant them in recommending to the Assembly a departure from the above rule of our Book of Discipline, by granting the request of the appellant; they, therefore, recommend that the papers in the case be referred to the Synod of Ohio.—1883, p. 597.

[NOTE.—This report was not adopted, but was referred back to the Judicial Committee, "to prepare and issue the case before the Assembly."—1883, p. 617.]

The Judicial Committee presented a report in Judicial Case No. 1, reporting the case in order, and recommending the steps to be pursued in issuing it. They also presented a written request from the appellant, the Rev. William W. McLane, that he have leave to withdraw his appeal against the action of the Presbytery of Steubenville. The request was read, and it was *Resolved*, That the appellant have leave to withdraw his appeal.—1883, p. 629.

f. An appeal of the Rev. Jared M. Chavis, a member of the Presbytery of Atlantic, from the decision of the Presbytery, upon charges brought against him for alleged immorality.

From the certified copy of the decision, sent up by the Presbytery, it appears that the charges were not investigated on the merits, but failed of trial because of the refusal of witnesses to attend and testify; and for this cause the Presbytery decided to drop the case against the Rev. J. M. Chavis as charged in the indictment. But in the recital of the charge, and the facts grounding the decision, the Presbytery insert an opinion in the following words: . . . .

Your Committee are of the opinion that the Presbytery erred in incorporating such an opinion in their decision, in the absence of all testimony to justify the same.

Your Committee are of the opinion that the appellant has shown a sufficient reason for bringing this appeal to the General Assembly, without first going to the Synod of Atlantic.

After discussion, the Assembly directed that the case be referred to the Synod of Atlantic, with instructions to take the proper action in the premises. Adopted.—1884, pp. 107, 108.

g. Case of Charles A. Briggs, D.D. The minority report was read and laid on the table. The Moderator also announced that the only remaining part of the majority report which had not been adopted was, "Third, that in the judgment of the Committee, the appeal should be entertained, and a time set apart for the hearing of the case." This part of the majority report was then adopted, carrying in the affirmative the question of the entertainment of the appeal.—1892, p. 119.

The court then proceeded to vote; the question being, "Shall the appeal be entertained?"

The vote was taken by ayes and noes, and was ordered to be recorded. The ayes were 410, the noes 145.—1893, p. 95.

[NOTE.—The appeal in this case was directly from Presbytery to Assembly. The principle as to appeals guiding the Assembly seems to be that where there is no sufficient reason for passing by the next superior court, the case should go there. But where good reasons for carrying it directly to the Assembly are assigned, it will be entertained.]

2. Appeals dismissed because not first brought in the lower judicatories and no sufficient reasons given.

a. The Judicial Committee made the following report on the complaint of the Presbytery of Philadelphia against the Presbytery of Columbia, relative to the licensure of Mr. Samuel Shaffer, which was adopted, viz.: That it is a desirable thing to prevent the unnecessary accumulation of business before the General Assembly; that no good reason appears why the Synod of Albany, who must be entirely competent to issue the complaint, should be passed by, and that, therefore, in their judgment, the matter ought to go before that body.—1828, p. 237.

b. The Judicial Committee made a report in relation to the appeal of Mr. Matthew H. Rice, from a decision of the Presbytery of East Hanover, which was adopted, and is as follows, viz.:

That the appellant had leave to withdraw his appeal on the following ground, viz., no reasons are assigned by the appellant for making this appeal to the General Assembly instead of the Synod.—1830, p. 298.

c. The Judicial Committee reported two appeals of Samuel Lowrey; the first from a special decision of the Session of the Second Presbyterian church of Cincinnati; the second from a decision of the Presbytery of Miami. These appeals were dismissed because the appellant had not prosecuted his appeals before the inferior judicatories.—1822, p. 36; 1833, p. 409; 1834, p. 432; 1826, p. 187; 1859, p. 516, O. S.; 1860, p. 46, O. S.

d. Case of Rev. W. M. White *vs.* the Presbytery of Washington. From the papers before the Committee it appears that Mr. White was suspended from the ministry, and excluded from the communion of the Church by the Presbytery of Washington at its sessions in November, 1870; that since that time he has resided within the bounds of the Presbytery of Pittsburgh, and that he made application to the Presbytery of Washington, at its sessions in April, 1873, for a dismission, with a certificate of his standing, to the Presbytery of Pittsburgh. This request the Presbytery of Washington declined to grant; and, respecting their decision, have come into the hands of your Committee, 1. A complaint of Rev. W. M. White; 2. A complaint of Revs. David McKinney and Richard Lea, resident in Pittsburgh; 3. A petition, signed by ministers and church members, living in and near the city of Pittsburgh, praying that the decision of the Presbytery of Washington may be reversed, together with the answers of said Presbytery to these complaints.

The complaints have not been before the Synod, with which these Presbyteries are connected, for the alleged reason that there has been no meeting of the Synod since the action of Presbytery, and the complainants prefer not to wait until the session of the Synod in the autumn. Your Committee, however, do not see sufficient cause in this case for departure from the rule of our Book of Discipline (Old), Chap. vii, Sec. iii, viz: "Appeals are generally to be carried in regular gradation from an inferior judicatory to the one immediately superior"—and there-

fore recommend that all the papers in the case be referred to the Synod of Pittsburgh. Adopted.—1873, p. 508.

e. Complaint of Nathaniel West against the Presbytery of Cincinnati. The Committee recommend: That as no sufficient reasons for direct complaint to the General Assembly have been presented, the complaint be referred to the Synod of Cincinnati. Adopted.—1877, p. 576.

f. In the case of the complaints of (1) Nathaniel West and Thomas H. Skinner against the Presbytery of Cincinnati, for an alleged decision against the said West; (2) the same, against the same, for adopting a resolution of its Judicial Committee; (3) E. D. Ledyard and others against the same for the same proceeding; and (4) Thomas H. Skinner and others against the same for not sustaining the charges against the Rev. W. C. McCune—the Committee recommend that, as the reasons for direct complaint to the General Assembly, as presented to the Committee, and in their hands, are deemed insufficient; and as the constitutional jurisdiction and rights of the Synod over its lower courts are to be sacredly respected; therefore, these several complaints be referred to the Synod of Cincinnati. Adopted.—1877, pp. 575, 576.

g. A complaint by Nathaniel West, Thomas H. Skinner, J. P. E. Kumler and L. H. Long, of certain action taken by the Presbytery of Cincinnati, at their meetings, December 7 and 23, 1878.

Also, a complaint by Nathaniel West, of action taken by the Presbytery of Cincinnati, at their meetings, April 9 and 10, 1879.

In respect to these two complaints, the Committee recommended that, as the reasons presented by one of the complainants for himself and the others, for direct complaints to the Assembly, are deemed insufficient, and as the constitutional jurisdiction of the Synod over its lower judicatories is to be carefully guarded and sacredly respected; therefore, these complaints be referred to the Synod of Cincinnati, to which they should have been taken, according to the provisions of the Book of Discipline (Old), Chap. vii, Sec. iii, Sub-sec. vi.

The Rev. Nathaniel West, D.D., presented a paper setting forth the reasons of the complainants for making direct complaint from the Presbytery of Cincinnati to this Assembly, which was read.

After which the report of the Judicial Committee was adopted.—1879, p. 631.

3. Where there is no common relation a complaint is allowed.

Judicial Case No. 3, being a complaint of the Third Presbytery of Philadelphia against the Presbytery of Luzerne, for an alleged invasion of Presbyterial jurisdiction. The case is brought before the Assembly, because of these Presbyteries having had no common Synodical relations.

The Committee propose that the new Synod take up the case, and that the Presbytery of Luzerne cease all action until the Synod decides.—1870, p. 27.

[Note.—See Book of Discipline, Secs. cxxi–cxxiii, "Of Differences between Judicatories."]

CHAPTER X.

OF DISSENTS AND PROTESTS.

CIII. A DISSENT is a declaration of one or more members of a minority in a judicatory, expressing disagreement with a decision of the majority in a particular case.

1. Dissent entered without reply. Dissent with reasons is a virtual protest.

Had the dissent been offered without reasons, and simply as a record of the vote of the dissenters, it would have been entirely proper to enter it on the minutes of the Assembly without reply. It would then have been in the nature only of a record in part of ayes and nays. But, as it is accompanied with reasons, it is virtually a protest.—1872, p. 85.

CIV. A PROTEST is a more formal declaration, made by one or more members of a minority, bearing testimony against what is deemed a mischievous or erroneous proceeding, decision, or judgment, and including a statement of the reasons therefor.

1. The right to protest for the relief of conscience.

That any member or members, for the exoneration of his or their conscience before God, have a right to protest against any act or procedure of our highest judicature, because there is no further appeal to another for redress; and to require that such protestation be recorded in their minutes. And as such a protest is a solemn appeal from the bar of said judicature, no member is liable to prosecution on account of his protesting. Provided always, that it shall be deemed irregular and unlawful to enter a protestation against any member or members, or to protest facts or accusations instead of proving them, unless a fair trial be refused, even by the highest judicature. And it is agreed that protestations are only to be entered against the public acts, judgments or determinations of the judicature with which the protestor's conscience is offended. —1758, p. 286.

2. The dissent or protest must be entered before the rising of the Assembly.

Any member who may think himself aggrieved by a decision of the General Assembly, shall have his dissent, or protest, with his reasons, entered on the records of the Assembly, or filed among their papers, if given in before the rising of the Assembly.—1822, p. 44.

3. A protest arguing the case is refused.

Dr. Martin presented and read a protest against the decision made in his judicial case, when, on motion of the Rev. D. J. Waller, it was

Resolved, That Dr. Martin's protest is only such in name, while it is in reality an argument of the case which the Assembly has refused to hear, as not regularly before it, and that he therefore have leave to withdraw the same.—1865, p. 592, O. S.

4. The protest must confine itself to the reasons on which it is founded.

The appropriate business of the protestants was simply to give the reasons on which their protest was founded, not to answer the arguments

of individuals in debate, for which the Assembly is not responsible.—1844, p. 382, O. S.

5. A protest calls attention to the action protested against.

The records of the Synod of New Mexico were approved with the following exceptions: . . . .

2. On page 20 it is noted that the Synod took no action on the protest presented by Revs. J. J. Gilchrist and T. M. Marshall against the action of the Presbytery of Arizona, with reference to the appointment of a Committee outside of its bounds to organize a church.—1892, p. 200.

CV. If a Dissent or Protest be couched in decorous and respectful language, and be without offensive reflections or insinuations against the majority, it shall be entered on the records.

1. Protests admitted to record without answer.

a. Dr. Stuart Robinson read a protest signed by himself and others, against the adoption of the paper of Dr. R. J. Breckinridge on the state of the Church.

This protest was, on motion, admitted to record without answer.

Another protest, signed by Rev. A. P. Forman and others, was likewise admitted to record without answer.—1862, p. 636, O. S.

b. The following protest was presented and ordered to be entered on the *Minutes* of the Assembly without answer.

We, the undersigned, ministers and elders, commissioners of the One Hundred and Fourth General Assembly, do hereby enter and record our protest against the action of the General Assembly in entertaining the appeal in the case of "The Presbyterian Church in the United States of America against the Rev. Charles A. Briggs, D.D.," and so giving to the Committee which preferred the charges against Dr. Briggs standing before the Assembly and right of appeal as an "original party," beyond the control of the Presbytery and its power to discharge them when dismissing the case.

We protest against this as being, we believe, contrary to the scope and intention of our Book of Discipline, and as involving interpretations of the Constitution of the Church which might prove subversive of the rights of ministers, elders, deacons and individual members throughout the Church.

Signed by thirty-six ministers and eighteen ruling elders.—1892, p. 205.

c. The Rev. E. P. Sprague, D.D., for himself and others, presented the following protest, which was received, ordered to be recorded, and is as follows:

We, the undersigned ministers and elders in the Presbyterian Church in the United States of America, declaring our hearty belief in and love for the Holy Scriptures of the Old and New Testaments, and our entire loyalty to the principles of the Presbyterian Church, desire respectfully to record our solemn protest against the verdict and judgment of suspension, and the proceedings leading to the verdict, in the case against the Rev. Charles A. Briggs, D.D., in the General Assembly of 1893:

1. As involving, in our judgment, acts of doubtful constitutionality.

2. As seeming to abridge the liberty of opinion hitherto enjoyed under our Standards by office-bearers in the Church.

3. As tending, we believe, to the discouragement of thorough study of the Bible and reverent advance in apprehension of divine truth; and,

4. As inflicting what we cannot but feel is an injustice to a Christian scholar of acknowledged high character and learning, as well as to the Presbytery of New York, which had fully acquitted him of the charges alleged against him.

Edward P. Sprague and sixty-one others.—1893, pp. 172, 173.

It was *Resolved*, That the protest just presented needs no answer by the General Assembly.—1893, p. 173.

d. The following protest was received and ordered to be recorded without answer:

The undersigned respectfully protest against the action of this One Hundred and Fifth General Assembly of the Presbyterian Church in the United States of America, determined in the morning session of May 29, with regard to the exclusion of the Chinese from this land, and against the action of this Assembly, determined on May 30, with regard to Decoration Day, on the following grounds and for the following reasons:

1. Because said actions are contrary to Chap. xxxi, Sec. iv, of the Confession of Faith, which provides that "Synods and Councils are to handle or conclude nothing but that which is ecclesiastical, and are not to intermeddle with civil affairs which concern the commonwealth.

2. Because such actions are opposed to the deliverance of this General Assembly in 1874, wherein it was declared that our church courts are to consult, vote and determine only according to the principles and Constitution of this Church and the Word of God, and that, therefore, no subject of a secular character will be entertained, and no subject with moral bearings and results will be carried beyond the plain and unquestioned testimony and direction of the sacred Scriptures.

Selden P. Spencer, James H. Brooks.—1893, p. 212.

e. Rev. John Fox, D.D., on behalf of himself and others, presented a protest against certain action of the Assembly, as recorded in the report of the Committee upon Temperance. The protest was received and admitted to record, and is as follows:

The undersigned respectfully protest against so much of the action of the General Assembly on temperance as declares, "That no political party has the right to expect the support of Christian men so long as that party stands committed to the license party, or refuses to put itself on record against the saloon." We deem this action an unwise interference with a political question, and believe that it cannot fail to be regarded by many of our people as hindering their free and conscientious discharge of their duties as voters.

John Fox and forty-five others.—1894, p. 178.

2. Protest refused record as being disrespectful.

A protest was received from Dr. Boardman and others against the action of the Assembly in the matter of the Louisville Presbytery. After discussion, on motion, it was

Resolved, That it be the sense of this General Assembly that the protest of Dr. Boardman and others is not respectful in language, and that it be returned to the author.—1866, p. 104, O. S.

3. A protest should be recorded only by order of the judicatory.

Exception to the records of the Synod of Albany. A protest on pp. 323, 324, which was handed to the Stated Clerk, and by him recorded, when it does not appear that he was directed by Synod to make such insertion.—1828, p. 242.

4. Protest received and put on record.

a. In the case of the complaint of Nathaniel West, against the Presbytery of Cincinnati, in the case of West *vs.* the Rev. B. P. Aydelotte, the Committee recommend that, as no sufficient reasons for direct complaint to the General Assembly have been presented, the complaint be referred to the Synod of Cincinnati.

The following protest against this action was presented, and ordered on record:

[Note.—See for this protest, *Minutes*, 1877, pp. 576-580.]

The Committee appointed to answer this protest reported: "That in their judgment no answer is required." Adopted.—1877, p. 580.

b. A protest was received from Rev. Josiah B. Bittinger, D.D., Rev. Henry W. Ballantine and Rev. George L. Kalb, D.D., against the action of the Assembly in the adoption of the report of the Committee on Bills and Overtures, in the case of the Sewickley church against the Synod of Erie, and ordered to be put on the records of the Assembly.

[Note.—See *Minutes*, 1877, pp. 582, 583.]

c. A protest was presented by Rev. Royal G. Wilder against the action of the Assembly in adopting the report of the Special Committee on his paper relating to the Board of Foreign Missions, and ordered on the records.—1877, p. 583.

d. The Rev. John G. Hall, D.D., in behalf of himself and others, offered a protest against the action of the Assembly in reference to the report of a minority of the Committee on Publication, which was received and ordered to be put on record.—1884, p. 110.

5. Protest, if in order, must be recorded and filed with the clerk. A printed copy duly signed is valid.

Paper No. 66, being a memorial from certain members of the Presbytery of Westchester, concerning the recording of a protest. It is asked:

Question 1.—"When a protest conforms to the conditions of the Book of Discipline, Sec. cv, may a Presbytery rightfully refuse to order it entered upon the records?" It is recommended that this inquiry be answered in the negative.

Question 2.—"Is a protest to be considered as having been presented to the body when read by the protestant, before it has been placed in the hands of the Clerk?" It is recommended that it be answered in the negative.

Question 3.—"When a protestant reads his protest to a Presbytery and the Moderator thereupon declares to him, without objection, that his protest is received, is a vote of the Presbytery necessary to authorize the recording of the protest?" It is recommended that the answer be given, On account of the ambiguity of the language, no definite reply can be made.

[Note.—See No. 2, p. 788.]

Question 4.—"Does a protestant forfeit his right to have his protest recorded, if he furnish to the Clerk, in place of the original manuscript read by him to the body, a printed copy of the same, duly signed by him, provided he inform the Clerk in good faith of his intention to do so, and the latter make no objection?" It is recommended that this question be answered in the affirmative. Adopted.—1897, p. 130.

CVI. The judicatory may prepare an answer to any protest which imputes to it principles or reasonings which its action does not import, and the answer shall also be entered upon the records. Leave may thereupon be given to the protestant or protestants, if they desire it, to modify their Protest; and the answer of the judicatory may also, in consequence, be modified. This shall end the matter.

1. No answer deemed necessary when the assumptions have been refuted.

The Committee appointed to answer the protest against the proceedings of the General Assembly on the "memorial complaining of sundry grievances abroad in the Church," made the following report, which was adopted, viz.:

That after a due consideration of the whole subject, and believing the protest to be founded on assumptions which were fully refuted and proved untenable in the course of a long and thorough discussion of the several resolutions adopted, they deem it inexpedient for the Assembly to assign any further reasons for the course pursued in relation to the above memorial.—1834, p. 450.

2. The answer denies the imputations of the protest.

The Assembly deems the following a sufficient answer to the protest against the action of the Assembly upon matters connected with the "Declaration and Testimony:"

1. It is apparent upon the face of the protest, that its signers deeply sympathize in principle, spirit and action, with the signers of the said "Declaration and Testimony," in opposition to the General Assembly.

2. The paper imputes to the Assembly, in several particulars, that which does not appear from anything contained in its action in the case; but the Assembly is disposed to pass over this infirmity, and the disrespectful language employed in the protest, attributing these to an apparent inability, on the part of these brethren, to divest themselves wholly of prejudices which have grown out of the unhappy contest in which the country and the Church have been engaged during the last several years. —1867, p. 365, O. S.

3. The answer defines the action protested against.

A protest of Francis B. Hall and others, against the response of the Assembly to the overture of the Women's Christian Temperance Union of Wisconsin was received and admitted to record.—1885, p. 649.

The Assembly answer as follows:

The Committee appointed to prepare an answer to the protest of the Rev. Francis B. Hall and others reported an answer, which was amended, adopted and is as follows:

The action of the Assembly is a reaffirmation of the action of former

Assemblies, on the subject of communion wine, to the effect "that the control of this matter be left to the Sessions of the several churches, with the earnest recommendation that the purest wine attainable be used." We find nothing in the alleged protest that has any pertinency or application to this action, and therefore no further answer is needed.—1885, p. 685.

[NOTE.—In many cases the answer of the Assembly to a protest gives the fullest explication of its sentiments.]

CVII. No one shall be allowed to dissent or protest who has not a right to vote on the question decided, and, in judicial cases, no one shall be allowed to dissent or protest who did not vote against the decision.

1. Protest will not be received from those not members of the body.

A paper of the nature of a protest was offered by the Rev. W. G. Craig from persons not members of the Assembly, which was read, and on motion, returned to Mr. Craig.—1867, p. 359, O. S.

2. A protest can be brought only by the minority of a judicatory itself.

a. The Committee on Minutes of the Synod of Sandusky recommend their approval, except that the Synod has entered upon its minutes, on p. 75, a "formal protest" against the action of the last General Assembly.

Your Committee judge that remonstrance or complaint, for the reopening of a question, may be made by an inferior judicatory to a superior; but that protest against the action of the General Assembly can be made only by a minority of the body itself.—1864, p. 307, O. S.

b. The Synod erred in this . . . . that they permitted certain members of the Presbytery of Waterloo to enter a protest on their records.—1888, p. 136.

CHAPTER XI.

OF JURISDICTION IN CASES OF DISMISSION.

CVIII. The judicatory, to which a church member or a minister belongs, shall have sole jurisdiction for the trial of offences whenever or wherever committed by him.

[NOTE.—See under Book of Discipline, Sec. xxxvii, p. 658.]

1. Cases connected with extinct Presbytery.

[NOTE.—See Book of Discipline, Sec. cxiii, p. 797.]

2. Reception of a member on a qualified letter is void.

[NOTE.—See Form of Government, Chap. x, Sec. viii, No. 11, p. 205.]

3. Jurisdiction over one charged with an offence is in that Presbytery of which he is a member.

Overture from the Presbytery of New Castle, asking the General Assembly to determine, whether that Presbytery or the Presbytery of Cleveland has jurisdiction of Rev. J. F. Severance. The facts in the case, appearing in the overture, are as follows: Mr. Severance was a

member of the Presbytery of Wilmington (which was succeeded by the Presbytery of New Castle), but left the bounds of that Presbytery in 1868. In 1870 he was within the bounds of the Presbytery of Cleveland; and, after the reconstruction, twice sat in the Presbytery of Cleveland as a corresponding member from the Presbytery of New Castle. In September, 1871, he was received a member of the Presbytery of Cleveland, under the operation of Principle 5, adopted by the Assembly for the purpose of reconstruction.

Before the Presbytery of Cleveland adjourned the sessions at which Mr. Severance was received, that Presbytery obtained information, that rumors affecting the Christian character of Mr. Severance had come to the knowledge of the Presbytery of New Castle, and said Presbytery had appointed a Committee to inquire into the facts and correspond with Mr. Severance in regard to them; and this Committee had not been discharged, when Mr. Severance was received by the Presbytery of Cleveland. After the Presbytery of Cleveland had received this information from the Presbytery of New Castle, they reconsidered their action receiving Mr. Severance, and declared said action null and void. The question is, To which Presbytery does Mr. Severance belong? The Committee recommend the following answer: . . . .

The decision of the Assembly, made in 1816, settles the principle that membership in any church judicatory is an entirety, and is not divisible. The judicatory is the judge of the fitness of an applicant for membership in it. The vote of the judicatory invests the applicant with all the rights of membership, of which he cannot be divested except by due course of discipline according to the Book. Hence, Mr. Severance is a member of the Presbytery of Cleveland, and that Presbytery has jurisdiction in his case.—1872, p. 72.

4. The Presbytery within whose bounds an offence is committed fulfills its duty in notifying the Presbytery to which the offender belongs.

When it is alleged that a minister has committed an offence in the bounds of a Presbytery of which he is not a member, the Presbytery in the bounds of which it is alleged the offence was committed, has performed its entire duty in the premises when it notifies the Presbytery to which he belongs, of the allegation and the grounds on which the allegation is based.

The report was adopted.—1869, p. 922, O. S.

CIX. A member of a church, receiving a certificate of dismission to another church, shall continue to be a member of the church giving him the certificate, and subject to the jurisdiction of its Session (but shall not deliberate or vote in a church meeting, nor exercise the functions of any office), until he has become a member of the church to which he is recommended, or some other evangelical church; and, should he return the certificate, within a year from its date, the Session shall make record of the fact, but he shall not thereby be restored to the exercise of the functions of any office previously held by him in that church.

[NOTE.—For the jurisdiction of the Session over members non-resident, see Book of Discipline, Sec. cxvii; over licentiates, see Form of Government, Chap. xiv. Sec. xi. p. 559.]

1. A suspended member may not be received on profession by another church. If received without knowledge of the facts, his name to be stricken from the roll.

Overture from certain members of the Presbytery of Madison:

We desire to make the following statement and inquiries:

A person is (we will suppose) under suspension in one of our own churches. He removes, and unites, on examination, with another of our churches, the Session of the latter one being wholly ignorant of his former membership, and, of course, of his suspension. The facts are, however, afterward discovered.

Would this discovery, of itself, vitiate his second membership, and leave him simply a suspended member of the former church?

Would unworthiness for church membership, clearly manifested, while in the latter church, and before said discovery, rightfully add any efficacy toward producing this result?

To the first of the above questions the Committee recommend an answer in the affirmative; to the second, if the question mean whether the Session of the second church has jurisdiction in the case of unworthiness manifested in the second relation, the Committee recommend an answer in the negative; but if the question mean whether the unworthiness manifested in the second relation be proper ground of separate process by the Session of the first church, the Committee recommend an answer in the affirmative. In respect to the whole case, the Committee agree in the statement following:

The person uniting with the second church on examination unites deceptively. So soon as the facts in the case are ascertained by the Session of this second church, the proper order of procedure is, for this Session, after conference with the accused person, to strike his name from their roll of church members as not under their jurisdiction, to communicate their action to the Session suspending him, with the reasons for it, and to request the said Session to proceed against him, on separate process, for duplicity and disorder.

The reply of the Committee was adopted.—1866, p. 269, N. S.

2. A letter of dismission takes effect as soon as granted so far as rights and privileges are concerned.

a. A letter of dismission, whether issued to a ruling elder or private member, terminates the relations of the person dismissed with the church giving the letter, except so far as said church is responsible for its watch and care over him during the period of transition.

b. These rights and privileges can be regained in that church by returning the letters of dismission to the authority which gave them.

c. These rights and privileges can be secured in any other church within the jurisdiction of this General Assembly, by virtue of such certificates, provided they are presented to the Session thereof within one year from their date; and, until they are presented, such persons are amenable to the church from which the certificates were received.—1867, p. 512, N. S.

[Note.—The "rights and privileges" do not include the functions of any office previously held by him in that church. See Book of Discipline, Sec. cix, last clause.]

CX. In like manner, a minister shall be subject to the jurisdiction of the Presbytery which dismissed him (but shall not deliberate or vote, nor

be counted in the basis of representation to the General Assembly), until he actually becomes a member of another Presbytery; but, should he return the certificate of dismission within a year from its date, the Presbytery shall make record of the fact, and restore him to the full privileges of membership.

1. Jurisdiction over a deposed minister is in the Presbytery which deposed him.

a. The Presbytery of Des Moines deposed Rev. James H. Shields from the ministry. Subsequently, Mr. Shields applied for restoration to the Presbytery of Keokuk, within whose bounds he resided at the time of his application.

The Committee on Polity reported an overture from the Presbytery of Keokuk, asking if they have jurisdiction over the case of James H. Shields, deposed by the Presbytery of Des Moines.

The Committee recommended to the Assembly, that the question submitted by the Presbytery of Keokuk be answered in the negative; and the recommendation was adopted.—1859, p. 18, N. S.

b. In the case of Rev. Michael Hummer, deposed by the Presbytery of Iowa, and restored by the Presbytery of Highland, the Assembly declare it irregular and unconstitutional for any Presbytery to receive and restore a member of another Presbytery who has been deposed.—1862, p. 608, O. S.

[NOTE.—See under Form of Government, Chap. x, Sec. viii, p. 207; also Book of Discipline, Sec. xliii, p. 662.]

2. Where a minister is deposed the name should not be formally stricken from the roll until the proceedings are finally issued.

An inquiry, proposed to the Assembly by Fisk Harmon, of Swede Point, Ia., respecting a case of discipline which has occurred in what he calls the Presbytery of D——. A minister is said to have been deposed, and the sentence of deposition to have been pronounced, but his name was not ordered to be stricken from the roll. The Clerk, however, assumed the responsibility of erasing his name; and when the case was appealed to the Synod, and remanded by it to the Presbytery that new evidence might be presented by the appellant, and the deposed minister demanded that his name might be replaced on the roll before the Presbytery proceeded to the reception of the evidence, he was informed by the Moderator that his name did not belong there. The inquiry is: "Can this new sentence of striking the name of the deposed minister from the roll be constitutionally inflicted without a new and regular trial?"

The Committee recommend the following reply:

As the name of every minister under trial must be properly on the roll of some Presbytery, it should not be finally erased until the completion of all the ecclesiastical proceedings connected with the case. In the present instance, the Assembly decide that the name of the minister referred to should be restored to the roll of the Presbytery, and retained until the case has been finally disposed of.—1869, p. 270, N. S.

[NOTE.—Nor is the name of a suspended minister to be removed from the roll of Presbytery and placed upon a private register. See Form of Government, Chap. x, Sec. viii, No. 15, p. 206.]

3. The privileges of membership cease with the granting of the letter.

The established rule of the Presbyterian Church, in relation to the dismission of a minister from his Presbytery is, "that, in all ordinary cases, all the rights and privileges of an individual in a Presbytery cease when, at his request, his dismission is granted."

He may, however, within any reasonable time before he has used his letter of dismission, return it to the Presbytery, and then claim all his former rights and privileges; but, until he has used his letter, he is amenable to the Presbytery which has dismissed him.—1867, p. 512, N. S.

4. While a minister is in transitu he is a member of the Presbytery which gave him his letter.

Overture from the Presbytery of Marion, as follows:

A minister receives a dismission to unite with a distant Presbytery, and travels in the region indicated, but does not remove his family. After an absence of months, perhaps of more than a year, he returns to the residence of his family. During his absence, however, the Synod sets off "all the ministers" of his Presbytery "residing north of the south line" of his county to form part of a new Presbytery. Holding the original certificate, to which Presbytery does he belong, and in case of the necessity of process for unministerial conduct, which Presbytery is bound to proceed in his case? It was

Resolved, That the minister in question be held to belong to the Presbytery which granted him the certificate.—1864, p. 314, O. S.

5. A suspended minister is under the jurisdiction of the Presbytery which suspended him. When sentence has been reversed for informality, if process is not commenced in six months, a dismission in good standing may be claimed.

Mr. Bell had been suspended, and took an appeal to the Assembly, which was sustained.

The Committee appointed to prepare a minute expressive of the sense of the Assembly concerning the appeal of Joseph E. Bell, reported the following resolutions, which were adopted, viz.:

1. *Resolved*, That in the judgment of the Assembly, Mr. Bell was, and still continues to be, fully amenable to the Presbytery of Concord.

2. That while the Assembly do not wish to protect the guilty, they do judge that great caution, deliberation, and, as far as may be, the rules of discipline, where ministerial character is impeached, ought to be strictly observed, and that in this case the informality was exceptionable.

3. That if it be deemed necessary for the good of religion, and the honor of the ministerial character, the Presbytery of Concord are entirely competent to commence a new trial. Or if Mr. Bell shall desire for his own sake a new trial, the door is still open.

4. That in the meantime Mr. Bell's ministerial character shall be considered regular; and if no process shall be commenced by either party within the space of six months from the 1st of June next, then Mr. Bell may claim from the Presbytery of Concord a dismission declaring him to be in regular standing.—1828, pp. 240, 241.

6. A minister holding a letter of dismission is a member of the Presbytery dismissing him until received by another body.

In answer to an inquiry from the Mileage Committee as to the status of a minister *in transitu*, it was *Resolved*, That the ruling of the Assembly of 1860, N. S. (see Moore's *Digest*, 1873, p. 619), be adopted as the ruling of this Assembly, to wit: He is a member of the Presbytery dismissing him until received by another body.—1883, p. 648.

7. Where the reception was invalid by reason of fraud he remains under the jurisdiction of the Presbytery dismissing him.

Overture from the Presbytery of Northumberland, relative to the question of jurisdiction in the case of Rev. Samuel E. Webster, who had obtained admission to the Presbytery of East Florida upon a letter whose date had been changed by said Webster, to bring it within the usual limit of one year. We recommend the following action: Inasmuch as the letter by which Samuel E. Webster was received into the Presbytery of East Florida was forged, so far as the date was concerned, his reception by it was invalid, and he is still under the jurisdiction of the Presbytery of Northumberland.—1894, pp. 44, 45.

CXI. A Presbytery, giving a certificate of dismission to a minister, licentiate, or candidate for licensure, shall specify the particular body to which he is recommended; and, if recommended to a Presbytery, no other than the one designated, if existing, shall receive him.

1. Presbytery must specify the body to which a member is dismissed.

Resolved, That, whereas it is a fundamental principle of the government and discipline of the Presbyterian Church, that every minister of the Gospel belonging to it be subject, at all times, to his brethren in the Lord, and accountable to them for the orthodoxy of his principles, and for his moral, religious, and orderly deportment; it is therefore,

Ordered, That every Presbytery under the care of this Assembly, whenever they dismiss a member, be careful particularly to specify with what Presbytery, association, or classis, or other religious body, he is to be associated after his dismission (to which some of the Presbyteries do not appear to have been sufficiently attentive); and that every member so dismissed be, in all cases, considered as amenable to the Presbytery which has dismissed him till he shall become connected with the ecclesiastical body which he shall have been directed to join.—1806, p. 351.

2. He must unite with the body designated.

Can a minister of one Presbytery unite with any other Presbytery than that designated in his letter of dismission? Answered in the negative (see Chap. x, Sec. ii–iv, Book of Discipline, Old).—1877, p. 550.

3. The Presbytery receiving a minister on a certificate must notify the Presbytery that dismissed him.

[NOTE.—See below, Sec. cxv.]

4. The dismission may not be by a standing committee.

[NOTE.—See Form of Government, Chap. x, Sec. viii, p. 201.]

CXII. If a church becomes extinct, the Presbytery with which it was connected shall have jurisdiction over its members, and grant them letters

of dismission to some other church. It shall, also, determine any case of discipline begun by the Session and not concluded.

1. Members of an extinct church amenable to Presbytery.

A church has been dissolved by the Presbytery, letters having been given the members to unite with any evangelical church where God may, in His providence, cast their lot.

One of these members holds such a letter more than eighteen months old, not having used said letter. Is such a member amenable to the Presbytery, and is the Presbytery under obligation to receive, entertain, and pass upon a complaint entered against such party, holding said letter?

The Committee recommend that this overture be answered in the affirmative, on the following grounds:

1. That every church member is amenable to some appropriate tribunal, and that, in the case specified in the overture, this tribunal must be the Presbytery.

2. That every member of a church continues to be amenable to that church, until he becomes regularly connected with another.—1869, p. 266, N. S.

CXIII. If a Presbytery become extinct, the Synod, with which it was connected, shall have jurisdiction over its members, and may transfer them to any Presbytery within its bounds. It shall, also, determine any case of discipline begun by the Presbytery and not concluded.

[NOTE.—See under Form of Government, Chap. x, Sec. viii, p. 333.]

CHAPTER XII.

OF REMOVALS AND LIMITATION OF TIME.

CXIV. When any member shall remove from one church to another, he shall produce a certificate, ordinarily not more than one year old, of his church membership and dismission, before he shall be admitted as a regular member of that church.

The names of the baptized children of a parent seeking dismission to another church shall, if such children are members of his household and remove with him and are not themselves communicants, be included in the certificate of dismission. The certificate shall be addressed to a particular church, and the fact of the reception of the person or persons named in it shall be promptly communicated to the church which gave it.

[NOTE.—See also Form of Government, Chap. ix, Sec. vi, p. 163.]

1. A certificate of dismission should be required.

Nor can the Assembly forbear to regret that the Session of the church of Chillicothe had not acted in a more formal manner in receiving Mr. McCalla, and had not required a regular certificate of dismission from the church to which Mr. McCalla belonged before they received him.—1821, p. 21.

2. Names of baptized children, not adults or communicants, should be included.

When parents with their families are dismissed to other churches, the names of baptized children who have neither come to years of discretion nor become communicants should be embraced in the certificate given.—1882, p. 98.

3. To receive members of churches of our own connection without a certificate is irregular.

The same Committee reported an overture, asking if it be in accordance with ecclesiastical law and order in the Church to receive members of another church who have not been regularly dismissed, with a view to such change of relation.

The Committee recommended that, so far as churches in our own connection are concerned, the question be answered in the negative, and refer to the Book of Discipline (Old), Chap. xi, Sec. i.

The report was adopted.—1868, p. 58, N. S.

4. Members received from other denominations without testimonials or evidence, to be received on profession.

Overture No. 24 from the Presbytery of Elizabeth, inquiring what evidence of standing is to be deemed the equivalent of a certificate in the case of persons coming from denominations which do not give certificates to a Presbyterian church. It is recommended that, in the absence of satisfactory testimonials as to church membership or of personal knowledge of the piety and good standing of such persons in other evangelical churches, the applicant is to be received on a profession of faith in Christ.—1897, p. 132.

5. Dismission to join another denomination.

a. *Resolved*, That in all cases where members of any of our churches apply for dismission to unite with a church of another denomination, the proper course is to give a certificate of Christian character only.—1839, p. 177, O. S.

b. The Presbytery of Hudson, requesting that this rule be rescinded, the Assembly replied:

The Presbytery of Hudson has misapprehended the spirit and scope of the resolution in question. It is neither a censure on the individuals, nor the churches to which they seek to be dismissed, but sets forth the only fact which it is important that those churches should know.—1848, p. 22, O. S.

[NOTE.—Churches in correspondence should be treated as if of our own connection.]

6. The form of dismission to other denominations left to the discretion of the Session.

Shall members of our churches, who may wish to join churches not in correspondence with the General Assembly, receive certificates in the same form as if they wished to join another church, in our communion, or in correspondence with the Assembly; or has the church Session done all that it ought to do, when in such cases the good and regular standing of the persons so applying is duly certified?

Resolved, That this whole subject is one that ought to be left to the sound discretion of the various church Sessions, according to the Constitution of the Presbyterian Church.—1851, p. 28, O. S.

7. Dismission of a suspended member.

Is it orderly in any case to dismiss to another church a suspended member, stating the case, and submitting it to the Session to which he has removed?

It may be orderly in circumstances of necessity arising from removal to an inconvenient distance, provided that in no instance the Session to which he be dismissed be allowed to review or rejudge the case.—1849, p. 239, O. S.

8. A suspended person being restored by the superior judicatories may claim dismission in good standing.

a. In regard to the complaint of Mr. Dobbins, against the Session of the church of Augusta, for receiving members suspended by the Session of the church of Smyrna, the Assembly are of opinion that both Sessions acted unconstitutionally; the Session of Smyrna in suspending said members, and the Session of Augusta in receiving them when suspended. Therefore,

Resolved, That the appeal, on this complaint, be and it is hereby sustained; and the members in question are hereby declared to be still members in good standing in the church of Smyrna; and the Session of the church of Smyrna are hereby directed to dismiss said members if they still desire it, that they may regularly connect themselves with the church of Augusta.—1824, p. 124.

b. *Resolved*, That the Presbytery of Nashville having fully exonerated the appellant from all blame in the matters respecting which he was charged before the Session of the church at Clarksville, his character is unimpeached, and that he is now, and ever has been since the action of the Presbytery in his case, entitled to a dismission from the church at Clarksville, whenever applied for, in order to connect himself with any church in the vicinity of his present residence.—1849, p. 237, O. S.

9. A dismission may be irregular yet valid.

A memorial from individuals in the Presbytery of Concord, formerly under the pastoral care of the Rev. Mr. Davies, asking the Assembly to determine whether they are to be considered members of the Prospect church, or whether their dismission from the church of Centre is to be considered null and void. The Committee recommended that the Assembly, while not approving of the haste and confusion with which their dismission was given, declare their actual connection with the church of Prospect now to be valid and regular. The recommendation was adopted.—1849, p. 266, O. S.

10. Members removing should be furnished with testimonials of standing, and should be counseled to transfer their relations.

Overture from the Presbytery of Iowa, asking the Assembly to make it the duty of every church to give a letter of dismission to every member when removing to another locality where there is a Presbyterian church, etc. The following answer was adopted:

The Committee recommends that it be enjoined upon the Sessions of our churches, on the removal of any members beyond the boundaries of their own organizations, to furnish such members, whether in full communion or members by baptism only, with testimonials of their standing; which testimonials it shall be the duty of such persons at once to present

to some church of our connection, and the Sessions shall earnestly counsel these members to transfer their relation immediately, if practicable, or at the earliest opportunity.

Also, that in case but a single organization of our order is within reach of the parties so removed, the Sessions having care of them shall transmit to that church Session a copy of the testimonials foregoing; if there be more than one such organization, then the parties transferred may elect to which organization these testimonials shall be sent.—1869, p. 923, O. S.

11. Churches receiving members by letter should notify the church from which they come. Blank forms of the Board of Publication commended.

Overture from the Presbytery of Neosho, on the dismission of church members.

Resolved, That the General Assembly urge upon the Sessions of churches the importance of giving to members who remove from them either letters of dismission and recommendation to a particular church, or in case of uncertain destination, letters of credence, and that, on the reception of members from other churches, they notify immediately the church from which the member has been dismissed. And they also urge upon all our churches the use of the printed blanks for the dismission and reception of members furnished by our Board of Publication.—1871, p. 587.

[NOTE.—See also under Sec. cxv, p. 801.]

12. The limit of one year does not ordinarily exclude, where the Session has knowledge of the reasons and of the religious life.

The Synod (of Kentucky) except to the Sessional records of a certain church, because of the alleged irregularity of said Session in receiving members on return of certificates alone, after undue length of time, knowledge of such irregularity being brought to the Synod's notice by a protest (Book of Discipline, Old, Chap. xi, Sec. ii). Your Committee recommend that exception be taken to this action of the Synod because, in their judgment, the Synod's exception to the Presbytery's action is not well taken, for the reason that it appears to your Committee, from papers placed in their hands, and which ought to have been in the Synod's possession before taking action in the case, that the parties in question had good and sufficient reasons for such delay, being unsettled as to a permanent home; their moral and religious life, meantime, being well known to the Session as fully comporting with the requirements of the Gospel of Christ.—1880, p. 79.

13. Certificate of dismission granted only by vote of the Session regularly constituted.

An overture from the Presbytery of Steubenville asking: Is it regular to grant a certificate of dismission to a member of the Church otherwise than by a vote of the Session regularly constituted? For example, by a Session informally assembled, or by a pastor or Clerk acting for the Session?

Your Committee recommends the following answer: It is not regular. Adopted.—1890, p. 113.

14. The above modified. The Moderator or Stated Clerk may be authorized to issue letters in the interim.

Overture from the Presbytery of Baltimore, asking the Assembly "to modify the deliverance of the Assembly of 1890 (*Minutes*, p. 113), so that church Sessions may delegate authority to issue letters of dismission to those in good and regular standing, the granting of such certificates to be affirmed at the next meeting of the Session."

The Committee answer, that it does not find in the Form of Government anything which would invalidate the custom of authorizing, by vote of Session, its Moderator or Stated Clerk to issue letters in the interim of the meetings of the Session to members who are in good standing, and to report such dismissions to the Session at its next meeting. Adopted.—1891, p. 106.

CXV. In like manner, when a minister, licentiate, or candidate, is dismissed from one Presbytery to another, the certificate shall be presented to the Presbytery to which it is addressed, ordinarily within one year from its date, and the fact of his reception shall be promptly communicated to the Presbytery dismissing him.

1. Notice of reception to be given.

1. That on the reception of a minister by certificate of dismission from another Presbytery, it be recommended to the Stated Clerk of the Presbytery receiving him to notify the Stated Clerk of the Presbytery granting the certificate of the fact of the reception.

2. That the name of every minister receiving a certificate of dismission be retained on the roll of the Presbytery dismissing him until notice of his reception be received from the Stated Clerk of the Presbytery receiving him.

3. That similar recommendations be sent to Sessions concerning the dismission and reception of church members.—1874, p. 82.

CXVI. If a church-member, more than two years absent from the place of his ordinary residence and church connections, applies for a certificate of membership, his absence, and the knowledge of the church respecting his demeanor for that time, or its want of information concerning it, shall be distinctly stated in the certificate.

1. The standing of members absent and unknown. Such absence without certificate itself censurable. If willful, they should be suspended.

The Committee appointed on the overture from the Synod of New Jersey, inquiring what a church Session ought to do with members in communion who have been absent for years without having taken a certificate of dismission, and whose place of residence is unknown, made a report which, being read and amended, was adopted, and is as follows, viz.:

That although this particular case is not provided for by a specific regulation in our Book of Discipline (Old), yet it is embraced by certain general principles which are recognized in that book and interwoven with many of its provisions. These principles, together with the result bear-

ing on the case in question, the Committee beg leave most respectfully to state:

1. Every church member is amenable to some appropriate tribunal, by the wisdom and fidelity of which, in case of his falling into any error, immorality or negligence, he may be dealt with according to the Word of God.

2. No member of a church can properly ever cease to be such but by death, exclusion, a regular dismission, or an orderly withdrawing to join some other Christian denomination; and must of necessity continue to be amenable to that church until he becomes regularly connected with another.

3. For a church member to withdraw from a use of his privileges as a member, either by irregularly connecting himself with another denomination, or by going to a distant part of the world to reside for a number of years, without making known his removal to the church Session, and asking a certificate either of good standing, for the purpose of enjoying occasional communion elsewhere, or of dismission, to join some other church, is itself a censurable violation of the principles of church fellowship, and may infer suspension from its privileges.

4. Church members, therefore, who have been absent for a number of years in unknown places, are by no means to have their names erased from the churches to which they respectively belong, but are to be held responsible to their respective churches; and if they should ever return, or be heard from, are to be regularly dealt with according to the Word of God and the principles of our Church; and although great caution and tenderness ought to be exercised toward those whose withdrawing from Christian privileges may be occasioned by the unavoidable dispensations of Providence, without any material fault of their own, yet in all cases in which a church Session has good reason to believe that any of the church under their care have absented themselves with design, either from a disregard of Christian privilege or from a wish to escape from the inspection and discipline of the Church, they ought, without unnecessary delay, to declare such persons suspended from the privileges of the church until they give evidence of repentance and reformation, and of course, in making their statistical reports, ought to enumerate such among the members under suspension.—1825, pp. 138, 139.

[NOTE.—See Form of Government, Chap. ix, Sec. vi; a decision on the duties of the Session in case of certain irregularities, No. 12, p. 168. See also Book of Discipline, Secs. xlix and lii, pp. 665, 667.]

CXVII. Prosecution for an alleged offence shall commence within one year from the time of its alleged commission, or from the date when it becomes known to the judicatory which has jurisdiction thereof.

1. Limitation not to be pleaded against the order of a superior judicatory.

[NOTE.—In a case carried by complaint to the Synod of Mississippi, the Synod referred the whole matter back to the Presbytery. The Presbytery entered upon the case; but, finding that two years had elapsed since the act was committed, declined to proceed further, on the ground of the limitation above.]

The Assembly declared:

That the Presbytery of Louisiana erred in pleading the limitation of time for their non-compliance with the resolution of Synod, referring this whole case to them for a full investigation.—1850, p. 481, O. S.

2. The plea is good where the offence was known to members of the judicatory more than a year before process was begun.

Overture No. 19 was then taken up from the docket, which is as follows:

When a church Session has tabled charges against a church member for falsehood, and summoned the accused with the witnesses, is it competent for the Session to dismiss the charges on the plea of the accused that a prosecution is barred by the limitation of time in Chap. xi, Sec. xv, of the Discipline ("Process in case of scandal," etc.), the alleged crime having been committed and "become flagrant," and known to members of Session more than twelve months before process was instituted?

The Committee recommended that this inquiry be answered in the affirmative. Adopted.—1857, p. 42, O. S.

CHAPTER XIII.

OF JUDICIAL COMMISSIONS.

CXVIII. The General Assembly, each Synod, and each Presbytery under its care, shall have power to appoint Judicial Commissions from their respective bodies, consisting of ministers and elders, in number not less than eighteen (18) from the General Assembly, not less than twelve (12) from any Synod, and not less than seven (7) from any Presbytery.

1. The Judicial Committee may be appointed a Judicial Commission.

By formal resolution the Judicial Committee was appointed the Judicial Commission to try judicial cases Nos. 5, 6 and 7.—1896, p. 48.

[Note.—See Book of Discipline, Sec. xcix (5), p. 752.]

CXIX. All judicial cases may be submitted to such Commissions, and their decisions shall be subject to reversal only by the superior judicatory or judicatories, except in matters of law, which shall be referred to the appointing judicatory for adjudication; and also all matters of Constitution and doctrine may be reviewed in the appointing body and by the superior judicatory or judicatories.

1. Matters of law referred to the appointing judicatory.

a. The Judicial Commission in Case No. 2, to try the complaint of Rev. David R. Breed, D.D., and others, members of the Synod of Pennsylvania, against the action of said Synod, and the finding of its Judicial Commission in Judicial Case No. 1. in its session held in the Presbyterian church of Butler, Pa., October 17 to 21, 1895, report in part, as follows: . . . .

The Synod of Pennsylvania, in receiving the report of its Judicial Commission on Case No. 1, did err, in that, after said Synod had recommitted the report of its Judicial Commission to have points of law and Constitution considered, the Synod declined (p. 47) to recognize that there were matters of Constitution involved in the case which the Synod was competent to review, in acting upon the finding of said Judicial

Commission as provided for in Chap. xiii, Sec. cxix, of the Book of Discipline, which matters of Constitution are as follows:

1. Does a pastoral relation cease with the action of Presbytery dissolving such relation, when no other time for its termination is explicitly fixed by the Presbytery?

2. When a meeting of a church duly called is held for the election of elders, may the Moderator presiding at such meeting disqualify voters whose standing has not been impaired by regular judicial process?

Your Commission respectfully refer the above points of law and Constitution to the Assembly for adjudication, according to provision made in Chap. xiii, Sec. cxix, and we recommend that question number one be answered in the affirmative, and question number two be answered in the negative.

The first question was answered by the Assembly in the affirmative and the second in the negative.—1896, pp. 84, 85.

[NOTE.—See Book of Discipline, Sec. xcix, No. 5, p. 756.]

b. The Judicial Committee, sitting as a Judicial Commission, reported on Judicial Cases Nos. 5 and 6, submitting three questions of constitutional law, viz., 1, 2 and 3, which were answered in the affirmative, and are as follows:

The Judicial Commission to which were referred Judicial Cases Nos. 5 and 6 reports to the General Assembly, for its approval, the following points of Constitution and law, to wit:

1. Presbytery, under our form of government, has the sole power, within its jurisdiction, to form, unite, and divide churches, and to establish and dissolve pastoral relationships, subject to the provisions of the Constitution, including the provisions for complaint, appeal, review and control.

2. The acts of Presbytery may be appealed from or complained of to a higher judicatory; and in the absence of such appeal or complaint they are to be respected and obeyed until repealed or modified.

3. Where complaint against the action of Presbytery is taken to Synod, and when no one appears to prosecute such complaint, and the complaint is dismissed by the Synod, this action of the Presbytery remains in full force and effect.—1896, p. 131.

[NOTE.—See also Book of Discipline, Sec. xcix, p. 752.]

c. The Judicial Commission appointed by the General Assembly to try Judicial Case No. 7 reports for approval its judgment upon the following questions of Constitution and law:

1. According to Sec. 100 of the Book of Discipline, "When the judgment directs admonition or rebuke, notice of appeal suspends all further proceedings, but in other cases" (viz., when the judgment directs suspension, deposition or excommunication, see Sec. xxxiv) "the judgment shall be in force until the appeal is decided," and this we interpret to mean until it is finally decided by the highest judicatory to which the case is carried.

2. After a Synod or a Commission of a Synod, sitting as a court for the trial of a case, has concluded the case, and adopted its final judgment, and the same is a matter of record, it is not competent for the Synod, in ordinary session and not constituted as a court, to interpret the judgment, or in any way modify it.—1896, pp. 151, 152.

[NOTE.—See Book of Discipline, Sec. xcix, p. 756.]

CXX. Such Commissions shall sit at the same time and place as the body appointing them, and their findings shall be entered upon the minutes of the appointing body; *provided*, however, that a Commission appointed by a Presbytery may also sit during the intervals between the meetings of the appointing Presbytery. The quorum of any such Commission shall not be less in number than three-fourths of the members appointed, and shall be the same in all other respects as the quorum of the appointing judicatory.

CHAPTER XIV.

OF DIFFERENCES BETWEEN JUDICATORIES.

CXXI. Any judicatory deeming itself aggrieved by the action of any other judicatory of the same rank, may present a memorial to the judicatory immediately superior to the judicatory charged with the grievance and to which the latter judicatory is subject, after the manner prescribed in the sub-chapter on Complaints (Secs. 83–93, Book of Discipline), save only that with regard to the limitation of time, notice of said memorial shall be lodged with the Stated Clerks, both of the judicatory charged with the grievance and of its next superior judicatory, within one year from the commission of the said alleged grievance.

CXXII. When any judicatory deems itself aggrieved by another judicatory and determines to present a memorial as provided for in the preceding section, it shall appoint a committee to conduct the case in all its stages, in whatever judicatory, until the final issue be reached.

CXXIII. The judicatory with which the memorial is lodged, if it sustain the same, may reverse in whole or in part the matter of grievance, and shall direct the lower judicatory how to dispose of the case, and may enforce its orders. Either party may appeal to the next higher judicatory, except as limited by Chap. xi, Sec. iv, of the Form of Government.

[NOTE.—See Book of Discipline, Sec. cii, No. 3, p. 785.]

PART V.

THE DIRECTORY FOR THE WORSHIP OF GOD.

ADOPTED 1788. AMENDED 1789–1886.

CHAPTER I.

OF THE SANCTIFICATION OF THE LORD'S DAY.

I. It is the duty of every person to remember the Lord's day; and to prepare for it, before its approach. All worldly business should be so ordered, and seasonably laid aside, as that we may not be hindered thereby from sanctifying the Sabbath, as the Holy Scriptures require.

[NOTE.—See Confession of Faith, Chap. xxi, Sec. viii, p. 90.]

1. The Assembly petition Congress against carrying and distributing the mails upon the Sabbath.

a. The petition of the General Assembly of the Presbyterian Church in the United States of America, to the honorable the Senate and House of Representatives of the United States, in Congress assembled:

Humbly Sheweth—That your petitioners view with deep regret the infractions of the Lord's day, occasioned by the opening of the mail on that day, and the circumstances accompanying such opening.

A variety of considerations, temporal and spiritual, combine, in the judgment of your petitioners, to produce this regret. The institution of the Sabbath by the Creator and Ruler of the world, whilst it clearly proves His benevolent regard for men, imposes upon them the reasonable obligation of devoting this day to His service. He makes it their duty to rest from the toils and labors of six days, and requires from them that they should statedly assemble together for His worship on the seventh. Both these objects contemplated by the institution of the Sabbath, the opening of the mail on that day and the circumstances accompanying it, do contravene and oppose. They who carry the mail, and they who open it, together with those to whom letters or papers are delivered, under the sanction of civil law, neglect the public worship of God in part or whole. Besides this, the noise and confusion attending the carrying and opening of the mail in post towns too frequently in a most painful manner disturb the devotion of those who prefer their spiritual to their temporal interests. Moreover, the carrying of the mail encourages persons to hire out their carriages on the Lord's day to those who have no fear of God before their eyes, thus adding to the open violation of the day; and to say no more, the brute creatures are made to work on this day over and above the six days, and thus are deprived of the rest to which they are entitled by the authority of God, whilst they are forced to administer to the cupidity of those who forget the truth, that "the righteous man is merciful to his beast."

Your petitioners are the more deeply impressed with the importance of

observing the Sabbath, on account of the influence which such observance has in promoting true morality and social happiness.

On this day all classes of men assemble together in the presence of God on terms of perfect equality, for in His presence the ruler is not more important than the ruled, since both meet as sinners needing the exercise of sovereign and free mercy.

On this day they are taught from the Scriptures, the only source of truth, their duty, their interest and their happiness.

On this day they unite according to the direction of God, in prayer for all men—for magistrates as well as subjects—for the nation as well as individuals—for every description of persons.

On this day they manifest the gratitude which they owe to God for benefits received, thanking Him for His mercies, and supplicating His grace.

The effects arising from the duties in which they engage, the instruction which they receive, and their assembling together before God, are all calculated to produce such a state of heart and such a line of conduct as directly promote individual and social happiness.

Your petitioners are aware of the plea which is used to justify the infractions of the Sabbath of which we complain. Works of necessity, such as arise out of extraordinary circumstances, or such as are unavoidable for the support and comfort of life, together with works of charity, are admitted to be lawful, for God delighteth in mercy rather than sacrifice.

But your petitioners cannot conceive that the ordinary occupations of life, in ordinary times, or the exercise of charity, require such infractions of the Sabbath as are occasioned by the carrying or opening of the mail on that day. For the cases of sickness, to take one of the strongest and most plausible facts included in the plea of necessity, which are communicated by the mail, are too few, and happen at intervals too long, to justify the habitual breach of the Sabbath. As to the ordinary business of life, any prospect of gain, or fear of loss, cannot be admitted as legitimate causes for disobeying the command of God to keep the Sabbath holy. No one ever yet has suffered, or will suffer, in obeying God, rather than his cupidity, his ambition, or his lusts.

Your petitioners, moreover, feel themselves constrained in their office as rulers in the Church, to exercise the discipline of that Church against those of their members who break the Sabbath in the carrying or opening of the mail on that day. In doing this they are not conscious of any disrespect to the civil authority of the land. They wish to render unto Cæsar the things which are Cæsar's, but must, at every hazard, render unto God the things which are God's. In thus honoring God more than men, they trust their motives will be respected, and their conduct approved.

Your petitioners are the more deeply impressed with the importance of a strict observance of the Sabbath, and the necessity of an alteration in the existing regulations of the post-office, as far as they relate to the Sabbath, from the prospect of a war. As they firmly believe in the special providence of God, and that this providence is exercised according to those principles of truth and equity revealed in the Scriptures, they fear, and have just reason to fear, that the infractions of the Sabbath allowed by civil law will draw down upon our nation the divine displeasure. God honors those who honor Him, and casts down those

who forget Him. Obedience to His will adds dignity to rulers, and enforces subjection in those who are ruled.

From all these considerations which have been given in detail, your petitioners pray for such an alteration in the law relative to the mails, as will prevent the profanation of the Sabbath, which now takes place in conveying and opening the mail. And your petitioners, as in duty bound, will ever pray, etc.

Ordered, That this petition be signed by the Moderator, and attested by the Clerk, and be committed to the Moderator to forward to Congress.—1812, p. 513.

b. Dr. Flinn, to whom was committed the petition of the last Assembly to the Congress of the United States, on the subject of carrying and opening the mail on the Sabbath, reported that he put the petition into the hands of Mr. Cheves, a member of the House of Representatives, who afterward informed him that the prayer of the petition was not granted.—1813, p. 519.

c. In 1814 a petition on the same subject was prepared, and the Presbyteries directed to take order for circulating the same, and forwarding it to Congress.—1814, p. 566.

[Note.—For like action see *Minutes*, 1815, pp. 597, 601.]

II. The whole day is to be kept holy to the Lord; and to be employed in the public and private exercises of religion. Therefore, it is requisite, that there be a holy resting, all the day, from unnecessary labors; and an abstaining from those recreations which may be lawful on other days; and also, as much as possible, from worldly thoughts and conversation.

1. Deliverance on the profanation of the Sabbath. Discipline enjoined.

The Committee to whom was referred the overture respecting the profanation of the Lord's day, presented the following resolutions, which were adopted, viz.:

1. *Resolved*, That this Assembly regard with pain and deep regret the profanation of the Lord's day, which exists in our country in various forms, and which is calculated in an alarming degree to create a neglect of public worship, a contempt of the authority of Almighty God, a corruption of morals, and eventually to bring down the judgment of God on our land.

2. *Resolved*, That the Assembly repeat the warnings which have heretofore been frequently given on this subject, and do solemnly and earnestly exhort the churches and individuals in their connection to avoid a participation in the guilt of profaning this holy day.

3. *Resolved*, That it be earnestly recommended to the ministers of the Presbyterian churches who have pastoral charges, frequently and solemnly to address their people on the subject of the sanctification of the Lord's day, and to urge its vital importance to our moral, social and civil, as well as religious welfare.

4. *Resolved*, That it be solemnly enjoined on all the Presbyteries and church Sessions in our connection to exercise discipline on their respective members whenever guilty of violating the sanctity of the Sabbath; and that an inquiry should be annually instituted in each Presbytery relative to this subject; and that each pastor should at the earliest opportunity

practicable present this subject in all its solemn importance to the Session of the church under his pastoral charge, and invite the coöperation of its members in all proper and prudent measures for the suppression of Sabbath breaking: and further, that it be recommended to all our ministers and church members when traveling, to give preference to such livery establishments, steamboats, canal boats and other public vehicles as do not violate the law of God and of the land in relation to the Sabbath.—1826, p. 182.

2. The observance of the Sabbath indispensable to the preservation of civil and religious liberty.

1. *Resolved*, That the observance of the Sabbath is indispensable to the preservation of civil and religious liberty, and furnishes the only security for eminent and abiding prosperity, either to the Church or the world.

2. *Resolved*, That the growing desecration of the Sabbath in our country must be speedily arrested and the habits of the community essentially reformed, or the blessings of the Sabbath, civil, social and religious, will soon be irrecoverably lost.

3. *Resolved*, That inasmuch as the work of a general reformation belongs, under God, to the Christian Church, it is the duty of the Church to apply the corrections of a firm and efficient discipline to all known violations of the Sabbath on the part of her members.

4. *Resolved*, That inasmuch as ministers of the Gospel must act a conspicuous part in every successful effort to do away the sin of Sabbath-breaking, it is their duty to observe, both in their preaching and their practice, the rule of entire abstinence from all profanation of the Lord's day, studiously avoiding even the appearance of evil.

5. *Resolved*, That in the judgment of this General Assembly, the owners of stock in steamboats, canals, railroads, etc., which are in the habit of violating the Sabbath, are lending their property and their influence to one of the most widespread, alarming and deplorable systems of Sabbath desecration which now grieves the hearts of the pious, and disgraces the Church of God.

That it be respectfully recommended to the friends of the Lord's day, as soon as possible, to establish such means of public conveyance as shall relieve the friends of the Sabbath from the necessity under which they now labor, of traveling at any time in vehicles which habitually violate that holy day, and thus prevent them from being in any way partakers in other men's sins in this respect.

6. *Resolved*, That the power of the pulpit and the press must be immediately put in requisition on behalf of a dishonored Sabbath, that the magnitude and remedy of the evils which its violation involves may be fully understood by the whole community.

7. *Resolved*, That this Assembly solemnly enjoin it upon the churches under their care to adopt, without delay, all proper measures for accomplishing a general and permanent reformation from the sin of Sabbath-breaking and all its attendant evils.

8. *Resolved*, That a Committee of one from each Synod under the care of this Assembly be now appointed to hold correspondence with ministers and churches, for the purpose of carrying out and applying the leading principles of the foregoing report and resolutions.—1836, p. 281.

3. For the better observance of the Sabbath.

The Committee to whom was referred Overture No. 5, to wit, a memorial from the Presbytery of Cleveland on the subject of Sabbath mails, having been instructed to report on the general subject of Sabbath desecration, submit the following:

In the deliberate judgment of your Committee, it is an unquestionable fact that, in despite of all which has been said and done to check it, the profanation of the Lord's day is, on the whole, increasing. There are, indeed, some local and cheering exceptions to this remark, which we are happy to acknowledge. As a national sin, however, it steadily gathers strength, and puts on a more unblushing face every year. We hear much of the moral machinery which has been set in motion for the salvation of our country and of the world—of the blessed light of the nineteenth century, and the glory of our free institutions. Too often do we seem to forget that the very institution which is the chief support of liberty, learning and religion, is itself standing in fearful jeopardy. All those whose lot is cast in any of the great centres of business, or on any of the principal avenues of intercommunication, know that what your Committee assert is true. Their own eyes have seen it, their own ears have heard it, and their hearts have bled over it a thousand times. It is, in fact, universally conceded, that the desecration of the Sabbath has become a giant evil, calling loudly for the most efficient measures of reform. Your Committee desire not unnecessarily to publish the faults of the Christian Church. But they are compelled to confess, that in many parts of the country the frequent violations of the Sabbath by ministers of the Gospel, and by other professors of religion, is a serious obstacle in the way of all attempts at radical and permanent reformation. Till the ministry and the Church have purified themselves, all else will be, as it has been, "beating the air." Traveling on the Sabbath, a practice to which the convocation of the highest judicatory of our Church lends its guilty sanction; voluntary participation in enterprises and improvements which are prosecuted at the expense of the Sabbath; the legalized profanation of this holy day by the transmission of the mail on all the principal routes; and the frequent neglect of Church discipline, are among the many causes of the rapid spread of this enormous evil. The bare enumeration of these causes suggests the proper remedy. Resolutions, addresses, conventions, and all the stirring appeals which the subject has called forth, are, by themselves, utterly ineffectual. The leviathan with which we are now contending is not to be so tamed. A more potent corrective must be applied, or we shall become more and more a nation of Sabbath-breakers. The Church undoubtedly possesses the power to cleanse her own garments, and till she has done this, she has no strength to put on for the reformation of others. Having done this, the next step will be to lift up a united voice against all that immoral legislation behind which the sin of Sabbath-breaking now stands entrenched. What has been found true in the "Temperance Reform," will be found true in the "Sabbath Reform." The sanction of law must be removed from every evil which you would frown upon and exterminate. To do this, the public mind must be waked up, and held awake till the combined energy of patriotism and piety is enlisted and pledged for the protection of the Sabbath against every tangible form of profanation and abuse. Your Committee accordingly recommend for your adoption the following resolutions, viz.:

Resolved, That this Assembly regard the prosecution of a journey on any part of the Sabbath, whether by ministers, elders or church members, for the sake of convenience or of avoiding expense, as deserving of special notice and unqualified disapprobation.

Resolved, That this Assembly affectionately urge upon all the judicatories of the Church to take suitable measures for enforcing the wise discipline of the Church against all violations of the Sabbath within their own cognizance and jurisdiction.

Resolved, That it is the duty of the Christian ministry to unite in more concentrated and persevering effort to assert the claims of the Christian Sabbath upon the habitual regard of the whole community.

Resolved, That the Assembly will give its most cordial approbation to any and every wise plan for uniting the sympathies and strength of all evangelical denominations in defence of the Christian Sabbath.

Resolved, That a Committee of nine be appointed to correspond with other evangelical denominations on the subject of measures for promoting a better observance of the Lord's day.

Resolved, That the Clerks of this Assembly be requested to cause these resolutions to be officially published and circulated as widely as possible, through the religious press, and that all ministers within our bounds be requested to present them before their respective congregations.—1838, pp. 658, 659, N. S.

[NOTE.—See also *Minutes*, 1840, p. 14; 1843, p. 13; 1846, p. 15, N. S.; 1859, p. 534; 1861, p. 316, O. S., for substantially the same action. Reaffirmed 1872, *Minutes*, p. 71; 1873, p. 564; 1876, p. 70.]

4. Church Sessions enjoined to greater fidelity.

a. *Resolved*, That this Assembly renewedly enjoin upon their Presbyteries and churches the duty of enforcing the discipline of the Church in every case of a violation of the Sabbath.—1828, p. 242.

b. The Committee on Bills and Overtures made a report on the subject of the Sabbath, which was adopted, and is as follows:

The Assembly are at a loss what to say more than what they have repeatedly said, by way of urging on all our churches and congregations, and the community generally, a better observance of the holy Sabbath. Of its divine origin and authority we have no doubt. Nor can we doubt its indisputable necessity in keeping up the institutions of religion, and promoting the cause of salvation and pure morality. What could we do without the Sabbath? And where, in half a century, will be our glorious civil and religious liberty, if the terrible process of Sabbath desecration be permitted to go on as it has done for the past ten years? Let the history of other nations answer. Let the fearful declarations of God's Word admonish us to anticipate the result. "For the nation and kingdom that will not serve thee shall perish."

While, therefore, we earnestly entreat our fellow-citizens of every class "to remember the Sabbath day to keep it holy," the Assembly do hereby, in a special manner, enjoin it upon the church Sessions to watch over their brethren with tenderness and great fidelity in respect to the observance of the Sabbath; and to exercise wholesome discipline on those who, by traveling or other ways, presume to trample upon this sacred institution. And we further enjoin it upon the Presbyteries annually to institute inquiries of the eldership as to the manner in which this injunction has been attended to in their respective churches.—1853, p. 323, N. S.

5. Resolutions on the sanctification of the Sabbath.

Resolved, 1. That, inasmuch as "the Sabbath was made for man," by the omniscient God, and is indispensable to our highest social, civil and religious welfare, this General Assembly regards it as not only the duty, but the right and privilege of all men to "remember the Sabbath day to keep it holy."

2. That, as the law of the Sabbath is divinely given, without limitation of time, and unrepealed, its claims for our obedience are supreme and perpetual.

3. That, in order to give full power to the Gospel in the salvation of souls, professors of religion, and ministers of the Gospel especially, should carefully sanctify the Lord's day, and give no countenance, directly or indirectly, to its desecration.

4. That the physical and mental, as well as the moral interests of man demand the day of holy rest; and that the entire community should manifest a grateful appreciation of this gift of Heaven, by an unperverted sacred observance of the Christian Sabbath.

5. That, at this time of public strife, of fearful anxiety and suffering, while we are heartily loyal to our government, we should most sincerely deprecate and deplore any unnecessary labor, review or battle on the Lord's day; lest, by disloyalty to God, we dishonor Him, incur His fierce indignation, and, as a sad result, meet with signal defeat to our arms, and terrible calamities to our nation, from Him who is the God of battles and of nations, and who honors them that honor Him.

6. That it be earnestly requested of all the pastors of our churches, fully to instruct their people as to the duty and importance of carefully sanctifying the entire Sabbath, individually, in the family, and in the community; in order that its healthful instructions, and its holy saving influence, may everywhere permeate the State, the nation and the world.

7. That each pastor and stated supply of our churches be requested, at some time during the present year, to preach especially upon the sanctification of the Christian Sabbath.—1863, pp. 245, 246, N. S.; confirmed, 1873, p. 564.

6. The opening of art galleries on the Sabbath disapproved. Deliverances of former Assemblies reaffirmed.

Resolved, That this General Assembly express their disapproval of the opening on the Sabbath of art galleries, places of recreation and amusement, and all such libraries and reading rooms as by offering secular reading invite men to violate the command of God, that men "remember the Sabbath day to keep it holy." Adopted.—1872, p. 71.

[NOTE.—See also Form of Government, Chap. xii, Sec. v; Pastoral Letters, 8 and 15; *Digest*, 1886, pp. 294–296 and pp. 322–325.]

This Assembly now reaffirms the deliverances of previous Assemblies, regarding the sacredness of the Sabbath.—1873, p. 564.

7. Traveling on the Sabbath condemned.

Resolved, That this Assembly view with unfeigned sorrow and regret the practice of traveling, by professors of religion and others, on the Sabbath day, and that it considers all such traveling, which is not strictly included in works of necessity and mercy, as a direct violation of the law of God.—1850, p. 482, O. S.; 1874, pp. 79, 80.

8. Duty of all to sanctify the Sabbath. Testimony against its desecration by railroads and by recreations.

a. The report was accepted; the resolutions recommended by the Committee were adopted; and the whole report was recommended to the Board of Publication to be printed as a tract. The following are the resolutions as adopted by the Assembly:

Resolved, 1. That it is the duty of all men to sanctify the Sabbath by a holy resting on that day from all worldly cares, avocations, and amusements, and to devote the entire day to the public and private worship of God, and to the duties of religion, according to the precepts and example of our Lord and His apostles.

Resolved, 2. That the observance of the Sabbath is indispensable to the preservation of the knowledge of God, and to the maintenance of vital religion in the Church and the world.

Resolved, 3. That the observance of the Sabbath is, further, of the greatest importance in order to the preservation of civil and religious liberty, and as furnishing the only ground for eminent and abiding national prosperity.

Resolved, 4. That inasmuch as the work of any general moral or religious reformation belongs, under God, to the Christian Church, it is declared to be the solemn duty of all the ministers, ruling elders, and members of our Church to inculcate, respectively, from the pulpit, in the Sabbath-school, and in the family, the Scriptural obligation to observe the Sabbath, and always and everywhere to set a proper example in this respect.

Resolved, 5. That, in the judgment of this General Assembly, it is the duty of the owners of stocks in steamboats, railroads, iron works, and other corporate institutions which are in the habit of desecrating the Sabbath, to use all their influence to bring these companies to cease their operations on the Lord's day.

Resolved, 6. That the cry of the eight thousand engineers, on the railroads of the country, for Sabbath rest, as brought out in their convention at St. Louis, and presented in their journal, and their efforts with their companies to secure exemption from the violation of the law of God, and the allotted time for Sabbath rest, religious instruction and worship, meets with a hearty response from this General Assembly; and that we express for them our deep sympathy in their privations, exposures, and trials, and our earnest desire and prayer to God for their success in this direction, and send our earnest remonstrance to all these companies against the practice of running trains on the Lord's day, thereby excluding from these important and responsible positions the Christian men of the country, to the dishonor of religion, and to the endangering of the lives of the traveling portions of the community, by placing this business in the hands of a less moral class of men.

Resolved, 7. That this Assembly invokes the power of the pulpit, and of the religious and secular press of the entire country, in the vindication and enforcement of the sanctity of the Sabbath; that vain excuses for work and travel on the Lord's day be set aside; that the public conscience be aroused; that secular business and secular recreations on the Sabbath be alike discountenanced; and that, with a faith and zeal which is according to knowledge, the friends of religion, morality and civil and social order are everywhere called upon to stand up for the divine

law of the Christian Sabbath, and to labor, by precept and example, to secure its proper observance.

Resolved, 8. That this Assembly would solemnly admonish all our people, ministers and laymen, who travel in foreign countries and in remoter parts of our own land, not to forget the divine command, "Remember the Sabbath day to keep it holy."

Resolved, 9. That this Assembly still further, with the view of securing this important result, enjoin upon all the Presbyteries, at their ensuing meetings, to take such action, and, without delay, to adopt and carry into effect such measures, as, in their judgment, may seem best, in order to the better and more general observance of the Lord's day.—1874, pp. 79, 80.

b. That, inasmuch as, prominent among the forms of Sabbath desecration prevalent in our times, are those to which many railroad and steamboat companies and publishers of Sunday newspapers are addicted, the Assembly earnestly counsel all our people not to be, as owners, managers, or employés of such companies, or as shippers or passengers on the Sabbath, or as publishers or patrons of Sunday newspapers, partakers in the guilt of these flagrant forms of Sabbath-breaking. Adopted.—1882, pp. 85, 86; 1884, pp. 33 and 81.

9. Former deliverances affirmed and enlarged upon.

In answer to overtures asking the reaffirmation of the teaching of our Standards and of the deliverances of former Assemblies on the subject of the Sabbath, the Assembly reply:

In the opinion of this body the deliverances of previous Assemblies on this subject have been so clear, distinct and decisive, and so often repeated, that it seems as impossible that there could be any misconception of the position of our Church, as that there could be any doubt as to the moral and perpetual obligation of the institution of the Sabbath, in the minds of any of our ministers or people.

Nevertheless, in view of the persistent efforts continually made to undermine the faith of the Church in the divine authority and perpetual claims of the Christian Sabbath, and to introduce among us the continental view of its observance, and in order to strengthen the hands of our whole communion in that maintenance of this divine institution, as our fathers have maintained it, we deem it important again to declare our unswerving conviction of the correctness of the teaching of our Confession of Faith, which says: "God, in His Word, by a positive, moral, and perpetual commandment, binding all men in all ages, hath particularly appointed one day in seven, for a Sabbath, to be kept holy unto Him" (Chap. xxi, Sec. vii).

And, also, of our Larger Catechism, which says: "The fourth commandment requireth of all men the sanctifying or keeping holy to God . . . . one whole day in seven; which was the seventh from the beginning of the world to the resurrection of Christ, and the first day of the week ever since, and so to continue to the end of the world; which is the Christian Sabbath, and in the New Testament called The Lord's day" (Answer 116).

And, also, of the Shorter Catechism, which says: "The Sabbath is to be sanctified by a holy resting all that day, even from such worldly employments and recreations as are lawful on other days, and spending the whole time in the public and private exercises of God's worship,

except so much as is to be taken up in works of necessity and mercy" (Answer 60).

We do also reaffirm the deliverances of former General Assemblies as to the manner of the proper sanctification of this holy day; and especially enjoin upon all our ministers and members, pastors, and teachers in our Sabbath-schools, and upon all those charged in any way with the training of the rising generation, the diligent inculcation of these teachings of our Church, so that our children may be thoroughly furnished, in their minds, against the insidious influences brought to bear upon them to lessen their veneration for the sanctity of this day of holy rest. The Presbyterian Church has uttered, and desires to utter, no uncertain sound in regard to the divine authority and the universal and perpetual obligation of this institution, as promotive of the physical, mental, and moral well-being of man, and so essential to the efficiency of all the means of grace and to the success of the Church of Christ in the earth.

And, to the end that the sacred character of this day may, in every possible way, be kept before the minds of our people, we would further commend, to our ministers and Sabbath-school teachers and superintendents, the more general use of the Scriptural terms Sabbath and Lord's day in the designation of this divine institution.

The recommendation was adopted.—1876, pp. 70, 71.

10. The divine sanction and obligation of the Sabbath.

a. In answer to a communication from the General Assembly of the Presbyterian Church in the United States:

The Assembly regard with very great sympathy the present extensive revival of interest in the maintenance of our Christian and American Sabbath, and cordially respond to the invitation to Christian coöperation in this great cause, which they have received from their sister Assembly. To this end they invite to the following resolutions the attention of all the Synods, Presbyteries and churches under their care:

Resolved, 1. That, in view of the manifest and indispensable importance of the Sabbath institution to the highest welfare of our own modern nation and people in all their relations, the authoritative announcement of the Sabbath law in the ancient Pentateuch is, in itself, one of the most obvious and unanswerable proofs that the Bible and our religion are from God.

Resolved, 2. That, in view both of this divine law and of its evident enduring necessity, the Assembly enjoin on ministers, parents, teachers, employers, and on all Christians under their care, that they practice and teach, as abiding moral duty, the scrupulous observance of the Christian day of rest and worship.

Resolved, 3. That the Assembly address to the young, especially, a warning against that error, which of late has grown so bold and prevalent, by which the moral and abiding substance of indispensable Sabbath duty is speciously confounded with circumstances of Jewish ceremonial, to the destruction, in many minds, of all sense of Christian obligation to keep the fourth commandment.

Resolved, 4. That, in direct opposition to this grave error, the sympathy of this Assembly and of our churches is pledged to every wise endeavor to maintain in our land the unceremonial but reasonable, divine, and lasting authority of our religious rest day.

Resolved, 5. That, while carefully denying to civil law all right to

impose, or to meddle with, religious duty, the Assembly uphold the necessity of such legislation as guards the people's day of rest and religion, and heartily commend all earnest and prudent efforts put forth in any community for making such legislation effective. Adopted.—1879, p. 627.

b. Yet, in view of the great importance of the subject, your Committee are deeply impressed that this Assembly should leave nothing undone which it can do to arouse the Church to do her whole duty in furtherance of this cause. And, in order to this, or, at least, as contributing to it, although your Committee are deeply sensible they may not recommend the best measures, we venture to report the following resolutions for your adoption:

1. The Assembly would affectionately admonish all our people to bear in mind that God has, by positive, moral and perpetual law, designated one day in seven as sacred time—that He "hallowed" the Sabbath, "sanctified it," set it apart from common to sacred purposes. Hence, to use it, or any part of it, for things inconsistent with it as sacred, is sinful.

2. The Assembly earnestly entreat all members and officers of our churches to guard against real violations of the fourth commandment, by performing labor on the Sabbath, under the claim of necessity or mercy, where such claim cannot be sustained by the Word of God.

3. The Assembly would urge upon all under their care to devise liberal things for the dissemination of the principles of the Go-pel and sound views of the sacredness of the Sabbath among the German and other populations coming to our shores.

4. That the Assembly do hereby, in a special manner, enjoin it upon church Sessions to watch over their brethren with tenderness and great fidelity in respect to the observance of the Sabbath, and to exercise wholesome discipline when necessary.

5. That we urge it upon our ministers, in the pulpit and in their pastoral labors, to present this subject in season, in all its serious importance, as related to the welfare of the whole people and the glory of God.—1882, p. 85.

11. Reading of secular newspapers on the Sabbath discountenanced.

a. *Resolved*, That the General Assembly, believing that the practice, on the part of church members, of reading secular papers on the Sabbath day is alarmingly on the increase; and believing, also, that it is a grievous injury to the personal piety of the readers, and a serious obstacle to the cause of Christ in every community, would deprecate this practice, and would urge upon all who love the Lord Jesus Christ, and desire the spread of His kingdom in the world, to refrain from this practice, and to do all in their power to discountenance it.—1879, p. 627; 1880, p. 76; 1882, p. 84.

b. The buying and selling, advertising in and reading of Sunday newspapers is pernicious from beginning to end; and should cease on the part of all Christians. And all Christians ought to exert their influence, actively, to induce others to abandon the use of the Sunday newspaper entirely.—1892, p. 158; 1896, p. 25.

12. The value and necessity of Sabbath observance.

a. The Special Committee on Sabbath Observance presented their report, which was accepted, and is as follows:

The question of Sabbath observance, always important, has rapidly increased in interest in recent years; and the duty of the Church in relation to it has become more difficult, because more complicated. No special class is alone responsible for the increased desecration of the Sabbath. Some occupations are, no doubt, more than others. But love of gain, ambitious competition, and love of pleasure, wherever they can, are pressing the people into error in this respect. If there are railroad, steamboat, or other corporations willing to transport freight or passengers, there are shippers willing to furnish the freight, and passengers willing to travel, on the Lord's day. If these corporations or private parties are willing to furnish conveyance for excursions, there are people willing to travel on excursions. If there are corporations or individuals willing to pay for common labor performed on the Sabbath, there are those who will accept the pay and perform the work. If there are persons willing to publish newspapers on the Sabbath, there is a large number willing to buy and read them. If they could not be sold, they would not be printed. Thus all through society. Sabbath desecration, as it comes to the attention of this Assembly, is almost wholly a social sin. There are two parties guilty—the one tempting, and the one yielding to temptation. Or they mutually tempt and yield to each other's temptation. This dual character of Sabbath-breaking, of course, does not lessen the sin by division, but increases the number of the guilty.—1882, p. 84.

b. *Resolved*, That this Assembly, reiterating the deliverances of former Assemblies on the subject of Sabbath desecration, declares its most emphatic condemnation of Sunday newspapers, and pleads that our people wholly abstain from their use, and warns all Christian business men against advertising in them their secular business. And it is enjoined upon our pastors and Sessions to see that the pulpits of our Church bear no uncertain voice in the matter.—1886, p. 114.

13. American Sabbath Union.

a. With respect to the communication received from the General Conference of the Methodist Episcopal Church, now in session in New York city, inviting this Assembly to appoint a Committee of seven to unite with similar Committees of that and other evangelical bodies in this country to constitute a National Sabbath Committee, whose duty it shall be "to make a deliverance on new phases of the Sabbath question," your Committee would recommend the appointment of such Committee for one year, and that they report the aims and methods of the National Committee to the next General Assembly.

We would name the following as that Committee: Elliot F. Sheppard, New York; James A. Beaver, Philadelphia; Byron Sunderland, Washington City; Herrick Johnson, Chicago; Francis C. Monfort, Cincinnati; Robert J. Trumbull, San Francisco; Samuel J. Niccolls, St. Louis.—1888, p. 58.

b. *Resolved*, That the seven persons appointed by the General Assembly of the Presbyterian Church in 1888, as members of a Committee in respect to the Sabbath day, be and are continued until others may be appointed in their places respectively.

Resolved, That the general plan of the American Sabbath Union be and is commended.

Resolved, That we cordially invite all other Christian bodies to commend to their churches the said American Sabbath Union.

[NOTE.—See also 1892, p. 159. See Report, 1889, pp. 81–85; 1890, pp. 65–68; 1891, pp. 62–65; 1892, pp. 154–160; 1893, pp. 54, 55; 1894, pp. 22–25; 1895, pp. 22, 23; 1896, p. 27; 1897, p. 40. See also under No. 15, p. 819.]

14. The Columbian Exposition.

a. *Resolved*, That this General Assembly respectfully memorialize the President and the Congress of the United States, to make it a condition for any appropriation of the Government's moneys to the Columbian Exposition, that it shall be kept closed on Sunday, and that the said memorial, properly authenticated by the seal of the General Assembly, and the signatures of the Moderator and of the Stated and Permanent Clerks thereof, shall be entrusted to the President of the American Sabbath Union for presentation.

Resolved, That this General Assembly heartily joins with the General Conference of the Methodist Episcopal Church in the United States, and with other branches of the Church of Christ, in recommending to all Christians to abstain from patronizing the Columbian Exposition in 1893, either by sending exhibits there, or buying or selling goods there or attending it in person, if its gates should be burst open on Sunday. But if its gates shall be kept closed on Sunday, then we heartily recommend it to the patronage of all nations, and pray God to prosper it.

Resolved, That we commend all men, everywhere, to remember the Sabbath day to keep it holy.—1892, p. 159.

b. 1. This General Assembly reiterates the action of 1891, petitioning that the Columbian Exposition be kept closed on the Lord's day.

2. We order that no exhibition be made in the interests of the Presbyterian Church, or as representing this Assembly, except with the express provision that we reserve the right to cover our exhibit on the Lord's day, if the Exposition be opened on that day.—1892, p. 179.

c. 1. The Assembly receives with deep regret the intelligence of the death, on March 24, of Col. Elliot F. Shepard, the Chairman of the Committee on Sabbath Observance, and desires to express its high appreciation of the valuable services he has rendered to the Sabbath cause by his tireless efforts and his liberal contributions.

2. The Assembly expresses its profound gratitude to Almighty God for the success of the effort to secure in our National Legislature a prohibition of Sunday opening at the Columbian Exposition, and its appreciation of the action of Congress in deciding by so large a majority to continue the time-honored course of the American people in doing reverence to the Lord's day. It joins the whole Church in hearty thanksgiving that we have been spared the humiliation, as a Christian nation, of a public sanction of the Sunday opening of the World's Fair. And it hereby voices what it believes to be the well-nigh unanimous judgment of the Church it represents, in declaring that any attempt, after this public and official expression of the nation's will, to open the gates of the Exposition on the Sabbath would be a gross affront to the Christian conscience, and a flagrant breach of faith.

And inasmuch as the local managers have decided to open the gates of the Exposition in defiance of the authority of Congress, and in clear violation of the principles of common honesty, as well as of God's command, therefore,

3. That we urge upon our people the importance of standing by their consciences at whatever sacrifice of personal profit or pleasure. If the trial of their integrity is come, let them not defile themselves with the king's meat (Dan. i. 8). . . . .

8. That our denominational exhibit be removed from the Columbian Exposition in case the Sabbath-closing rule is hereafter violated.—1893, pp. 55, 56.

15. The divine authority and universal and perpetual obligation of the Sabbath. National Sabbath societies.

a. *Resolved*, 1. That this General Assembly reaffirms its belief in the divine authority and universal and perpetual obligation of the Sabbath.

Resolved, 2. That we lay upon the individual conscience the responsibility of personal example in keeping the Lord's day, by avoiding whatever tends to desecrate it, such as the buying, reading and supporting in any manner the Sunday secular newspaper, unnecessary Sunday travel, amusements foreign to the spiritual purposes of the day, social entertainments that dissipate serious thought and needless self-indulgence during its sacred hours.

Resolved, 3. That we call upon all the members of our churches and upon all friends of the Sabbath to use their influence in every lawful way to prevent such legislation as would weaken civil enactments passed with a view to protect the Christian Sabbath as a day of rest and worship.

Resolved, 4. That we view with delight the intelligent interest of Sunday-schools and Young People's Societies in the proper observance of the Lord's day, and would also heartily commend all Sabbath associations organized to maintain this sacred institution.

Resolved, 5. That as the Christian pulpit can never fulfill its sacred functions without declaring fearlessly the truth of God concerning the claims, sanctities and obligations of the Sabbath, we rejoice in the assurance that sound teaching upon this subject by the ministry has never been more general or effective than at present.—1894, p. 24; 1895, pp. 22, 23; 1896, p. 25.

b. The Sabbath, the Lord's day of rest for the body, and of worship for the soul, is especially threatened by many unscriptural innovations.

Among the chief perils are the greed of gain, which compels thousands against their will to work on the Lord's day; the dissemination of theories concerning individual liberty and social order, which are destructive of our best national traditions; Sunday excursions; Sunday baseball games; Sunday theatres and Sunday bicycle pleasure riding; an alarming laxity of sentiment among many who profess and call themselves Christians, in reference to the binding obligation of the fourth commandment on the individual conscience; the introduction in many Christian homes on the Lord's day of social entertainment; self-indulgence on this day foreign to the Scriptural standard of holy living, and subversive of true Sabbath rest. Not the least of the perils to which we would refer is a Sunday secular literature, which interferes with the public ministrations of the sanctuary, causing the secular to supersede the spiritual.

We believe there is a more general and lamentable lack of conscience in regard to violations of the fourth commandment than to any other of the Decalogue.

The hope of the Church and of the nation is in the revival of the

public conscience on all moral questions; especially on the sacred obligation to "Remember the Sabbath day;" the natural memorial for all ages of a consummated redemption and a type of the "rest that remaineth for the people of God."

Your Committee would therefore ask this Assembly to enter its solemn protest against all forms of Sabbath desecration destructive of this weekly season of rest and worship which God has so graciously ordained for our good, and would recommend the adoption of the following resolutions:

Resolved, 1. The General Assembly reaffirms its belief that the law of the Lord's day is a law of perpetual binding obligation upon all men.

Resolved, 2. That we entreat our members and all other persons to conscientiously discountenance whatever tends to break down the distinction between this and other days; as, for instance, Sunday trading; buying, reading or in any way supporting Sunday secular newspapers; social entertainments and visitations that dissipate serious thought, and all self-indulgence on the Lord's day that tends to unfit them for God's worship and to impoverish their spiritual nature; and we raise our voice against the desecration of the Sabbath by the opening of theatres on this day, and call upon our ministers, members and all good citizens to seek the stay of this great curse.

Resolved, 3. That we refer with pleasure to the efforts that are being made through Sabbath-schools and Young People's Societies to educate the rising generation as to the claims, sanctities and obligations of the Sabbath.

Resolved, 4. That we recommend to our pastors and churches that as far as practicable the last Sabbath in October shall be specially devoted to the consideration of the binding obligation to "Remember the Sabbath day to keep it holy;" and that we earnestly invite all Christians to unite with us in setting apart that Sabbath for special instruction in the home, in the church, and in the Sunday-school in reference to the Lord's day.

Resolved, 5. That those Sabbath associations of our land, having a Christian basis, and being in sympathy with Sunday laws passed with a view to protect the day of rest and worship, should have a claim upon the coöperation and practical support of the Christian public, and that we especially indorse with our cordial approval the American Sabbath Union and the Woman's National Sabbath Alliance (auxiliary to the American Sabbath Union), and recommend these organizations especially to Christian men and women in all our communities.—1896, pp. 24–27.

c. *Resolved*, 1. That the General Assembly reaffirms its belief that the law of the Sabbath is a law of perpetual binding obligation upon all men.

Resolved, 2. That we call upon all members of our churches, members of Young People's Societies and Sabbath-schools, together with all friends of God's law, to use their personal influence for the Biblical observance of the day by abstaining from the purchase and reading of the Sunday newspaper, from all riding of the bicycle for pleasure or recreation on the Lord's day, from all forms of amusements, from unnecessary visiting and from all things that are unproductive of holiness in men, and to be faithful to religious duty and life on this holy day.

Resolved, 3. That while the ministers of the Presbyterian Church are to be commended for their faithful presentation of the truth concerning

the claims and obligations of the Sabbath they are reminded of the necessity of renewed diligence in its defense and proper observance.

Resolved, 4. That the American Sabbath Union and the Woman's National Sabbath Alliance, societies organized for the purpose of enlisting all Christian men and women in the work of conserving the American Sabbath and also to organize auxiliary societies for the distribution of Sabbath literature, and to use all methods for the quickening of the public conscience, and awakening interest for the promotion of the Biblical Christian Sabbath, receive our cordial indorsement and approval. And we hereby heartily commend them to those who are stewards of the Lord's gold and silver, a small portion of which is necessary for their work.—1897, p. 40.

16. Decoration of soldiers' graves upon the Sabbath disapproved.

Resolved, That while this Assembly sympathize most heartily with the noble and touching tribute to be paid to the memory of our buried soldiers whose lives were sacrificed in the cause of the Union, as, under the auspices of the Grand Army of the Republic, their graves are to be decorated with floral offerings, yet we enter our most earnest protest against the proposed unnecessary desecration of the Sabbath for this purpose; and urgently request the proper authorities to appoint the next Saturday as the time for this interesting ceremony.—1869, p. 259, N. S.

[NOTE.—A committee was appointed by each of the Assemblies, O. S. and N. S., then meeting in New York (1869, p. 259, N. S.; p. 900 O. S.); to confer with the authorities of the Grand Army. The parade took place on Monday.]

III. Let the provisions for the support of the family on that day be so ordered, that servants or others be not improperly detained from the public worship of God; nor hindered from sanctifying the Sabbath.

IV. Let every person and family, in the morning, by secret and private prayer, for themselves and others, especially for the assistance of God to their minister, and for a blessing upon his ministry; by reading the Scriptures, and by holy meditation; prepare for communion with God in his public ordinances.

V. Let the people be careful to assemble at the appointed time; that, being all present at the beginning, they may unite, with one heart, in all the parts of public worship: and let none unnecessarily depart, till after the blessing be pronounced.

VI. Let the time after the solemn services of the congregation in public are over, be spent in reading; meditation; repeating of sermons; catechising; religious conversation; prayer for a blessing upon the public ordinances; the singing of psalms, hymns, or spiritual songs; visiting the sick; relieving the poor; and in performing such like duties of piety, charity, and mercy.

1. Instruction in the Holy Scriptures.

Resolved, 1. That it be recommended, and it is hereby recommended, earnestly to the ministers and Sessions which are in connection with the General Assembly, to pay especial attention to this subject, and provide without delay for the stated instruction of the children and youth in the sacred Scriptures within their respective congregations.

Resolved, 2. That although the particular manner of instruction and recitation in the congregations ought to be left to the discretion of their ministers and Sessions respectively; yet as some degree of uniformity is desirable in a business of so much magnitude, it is recommended as the most effectual means of promoting the knowledge of the Holy Scriptures, that in all our churches, classes be formed of the youth to recite the Scriptures in regular order; that the recitations, if convenient, be as often as once a week, and from two to five chapters appointed for each recitation; that the youth be examined on,

(1) The history of the world, but more especially of the Church of God, and of the heathen nations who were God's agents in accomplishing His purposes toward His Church.

(2) Persons noted for their piety or ungodliness, and the effects of their example in promoting or injuring the best interests of mankind.

(3) Doctrines and precepts, or "what man is to believe concerning God, and what duty God requires of man."

(4) Positive ordinances, or the directions which God has given as to the way in which He is to be worshiped acceptably.

(5) The particular features of character of which the Spirit of God has given notice, both in wicked and good persons; in the last particularly regarding those who were types of Christ, and in what the typical resemblance consisted.

(6) The gradual increase from time to time of information concerning the doctrines contained in the Scriptures; noting the admirable adaptation of every new revelation of doctrine to the increased maturity of the Church. The nature of God's law, its immutability, as constituting an everlasting rule of right and wrong, the full and perfect illustration of its precepts given by Christ.

(7) The change which God has made from time to time in the positive ordinances, together with the reasons of that change. The difference between the moral law, and those laws which are positive.

(8) The illustrations of the divine perfections in the history, biography, doctrines and precepts, together with the positive ordinances of the Scriptures.

(9) The practical lessons to regulate our conduct in the various relations of life.

On all these particulars the meaning of the words used in Scripture must be ascertained, and thus we may understand what we read.

Resolved, 3. That the Presbyteries under the care of the Assembly be directed to take order on this subject, and they are hereby informed that this is not to come in the place of learning the Catechism of our Church, but to be added to it, as an important branch of religious education.—1816, p. 627.

2. On Sabbath-schools and instruction of the young.

a. In all parts of the Church, Sunday-schools are established, and there is but one sentiment respecting them. The Assembly consider them as among the most useful and blessed institutions of the present day. They have a most extensive reforming influence. They apply a powerful corrective to the most inaccessible portions of the community. They begin moral education at the right time, in the best manner, and under the most promising circumstances. They act indirectly, but most powerfully, upon teachers and parents, and frequently become the means of

bringing them to the church, and to the knowledge and love of the truth. Sunday-schools are highly useful everywhere; but they are peculiarly adapted to new and destitute regions of the Church. The plan is simple and easily accomplished. It requires comparatively little knowledge and experience to conduct them with ability. Very much good has been accomplished by the instrumentality of young ladies and gentlemen. The pleasing scene is often witnessed in some of our new settlements, of large meetings of children on the Lord's day, in schoolhouses, or beneath the shade of the original forest. The voice of praise and prayer is heard, and the Word of the living God is proclaimed, amid the most beautiful works of His hand.—1824, p. 129.

b. *Resolved*, That the General Assembly do cordially approve of the design and operations of the American Sunday-school Union; and they do earnestly recommend to all ministers and churches under their care to employ their vigorous and continued exertions in the establishment and support of Sabbath-schools.—1826, p. 181.

c. *Resolved*, 1. That the Assembly regard the religious education of youth as a subject of vital importance, identified with the most precious interests and hopes of the Christian Church.

2. That the present indications of divine providence are such as imperiously to demand of the Christian community unusual effort to train up the rising generation in the nurture and admonition of the Lord.

3. That the Board of Missions be and hereby are instructed to enjoin it on their missionaries sedulously to attend to the religious education of the young; and particularly that they use all practical efforts to establish Sabbath-schools; and to extend and perpetuate the blessings of Sabbath-school instruction.

4. That the system of Sabbath-school instruction, now in prevalent and cheering operation, be and hereby is most earnestly recommended to the attention of the pastors and Sessions of all our churches.

5. That the Presbyteries be and hereby are enjoined to make the progress of the Sabbath-school cause within their bounds the subject of special inquiry, and annually to transmit the results of such inquiry to the General Assembly.

6. That inasmuch as the advantages of the Sabbath-school may, in some cases, be the occasion of remissness in the important duty of family instruction, it be and hereby is earnestly recommended to heads of families not to relax in their personal religious efforts at home, and in the domestic circle; but that they abound more and more in the use of all appropriate means, to promote sound knowledge and experimental piety, in every member of their households.

7. That as there is reason to apprehend that the Catechisms of this Church have not, in some parts of our Zion, received that measure of attention to which their excellence entitles them, it be and hereby is recommended to pastors, Sessions, heads of families, superintendents of Sabbath schools, and all charged with the education of youth, in our connection, to give these admirable summaries of Christian truth and duty a prominent place in their instructions to the youth and children under their care.

8. That it be and hereby is recommended to the pastors and Sessions of our churches to make themselves acquainted with the system of infant-school instruction, now in happy progress in many places, and if practi-

cable to establish such schools in their congregations.—1830, pp. 303, 304.

[NOTE.—See under Form of Government, Chap. xii, Sec. v, Board of Publication and Sabbath-school Work, p. 366, *seq.*]

3. Pastoral Letter on Sabbath-schools.

The Committee appointed to prepare a Pastoral Letter presented their report, which was adopted, viz.:

The General Assembly of the Presbyterian Church in the United States of America, greeting, to the Sessions of the churches, and through them to the parents and Sabbath-school teachers in our connection:

As ministers and ruling elders representing the Presbyteries and churches, and met in the highest judicatory of our Church, we address to you, as coworkers with us, this Pastoral Letter.

We address you in behalf of the vast crowds of children springing into life and rapidly rising into manhood and womanhood, than which no more affecting vision looms up to the view of the Christian and the Christian Church.

Grave questions force themselves upon us as to these: What is to be their aim? What is to be their character? What is to be their destiny? What duty is each of us called to in reference to the rising race? In the language of Manoah concerning his son, who was to be the avenger of Israel, "How shall we order the child, and how shall we do unto him?"

As Samson, his son, was to go forth, after suitable training, in the prowess of his physical strength to compete with the enemies of Israel, so are the children under our training to go forth to the great spiritual conflict. How, then, shall they be ordered? how trained as Christian athletes, to be able to burst asunder the green withes and the new ropes with which sin would bind them, and to push down the pillars of Dagon's temple? Not only are they to be trained to stand firm when assaulted with temptations, but to make onslaughts upon the powers of darkness.

In view of the seductive influence of much of our modern literature on the one hand, and the facilities for effecting good by well-aimed efforts on the other, the children are to be taught, not only to use defensive armor, but to employ the weapons which are mighty through God to the pulling down of strongholds.

Are the lives of our children to be a failure, and worse than a failure? or are they to be examples of virtue and piety, in whose light others shall walk in the path of life?

Among the instrumentalities to lead our children to safety and usefulness we recognize the Sabbath school as occupying a position of very high prominence. But the value of the Sabbath-school depends upon the kind of instruction imparted.

We concede that the International Sabbath-school system recently inaugurated is one of great excellence, and the blessings flowing from its introduction, we trust, will be many and substantial. But it is our hope and expectation to engraft upon it still better scions, that shall yield richer and better fruit. We are already, as many of you know, sending forth helps, through our Board of Publication, which weave into the lessons the Shorter Catechism, suggested, illustrated and enforced by the passages of Scripture forming the basis of these Lessons. We have

recommended to the Board "to incorporate into its system of Lesson Papers and Question Books brief expositions of the answers of the Shorter Catechism."

We feel constrained, therefore, to exhort you affectionately to have introduced, if it has not been done, into the Sabbath-schools the Question Books and Lesson Papers published by our own Board of Publication rather than to depend upon helps from sources less decided for the truth. We affectionately exhort that the Shorter Catechism be used in all our Sabbath-schools, that parents assist the teachers in encouraging their children to commit the same to memory, and that teachers make these young disciples familiar, not only with the tried and eminently rich doctrines and important duties taught in our Standards, but with our Form of Government and Directory for Worship. Let each Session, at its earliest convenience, take action on the subject.

If parents and teachers would honor these Standards in their families and schools, there would be wrought into the hearts and minds of the rising race a love for the good and the true, such as no false system could displace. Formulated and wholesome doctrines would not be disparaged, and pure gold would not give place to tinsel.

We need not remind you that the apostles frequently inculcate, in their epistles, the importance of adhering to sound doctrine. The disciple whom Jesus loved, and who leaned upon His breast at the holy communion, rejoiced greatly in his fellowship with the Father and with His Son Jesus Christ. And yet he says, "I have no greater joy than to know that my children walk in truth" (3 John 4). So every minister and parent and Christian should rejoice in knowing that the hearts of the young are brought under the influence of divine truth.

The history of the progress and decline of truth, alternately assaulting and yielding to error, presents a story full of interest and instruction. With what a glorious light did it burst upon the European world three centuries ago, when the Papacy received a blow from which it has never recovered! And how did it rise again when France and Germany and the most of the nations of Europe were declaring for Protestantism! Then it was that the founder of the Jesuits contrived to bring back the waning power of Popery. He trained teachers, he sent them out into all the lands, men of popular address and of missionary zeal to make proselytes; and schools were established, and young hearts were won for Rome, and Popery again stood up erect. This has been Rome's policy ever since, and this has been the secret of her success.

Who shall teach the young, and how shall they be taught? is the question of the age. The conflict between truth and error will continue, and parents and teachers must gird themselves for the earnest battle.

Beloved brethren in the Lord, let us awake to the vast importance of training a people for God and for our country. Our children should learn that this land is given them for the salvation of the world. Let teachers be impressed with the truth that the child is more important than the man, because it has a better opportunity to be moulded for the work of God, and because it has a longer future for its work. When the heart of the fathers shall be turned to the chidren, and the heart of the children to their fathers, God will not come and smite the land with a curse. Sow the seed, then, in hope; for "he that goeth forth and weepeth, bearing precious seed, shall doubtless return again with rejoicing, bringing his sheaves with him."

The words which you utter to your children and your classes are letters inscribed on veiled tablets, to be unveiled, if not sooner, when the Great Assembly shall meet. The minds of these young immortals are so many phonographs, to receive your words, and to reproduce them when your tongues shall be silent in death, and they may be rehearsed to millions in the great future. Abel, "being dead, yet speaketh."—1878, pp. 95–98.

4. Cathechetical instruction enjoined.

a. *Resolved*, That as there is reason to apprehend that the Catechisms of this Church have not in some parts of our Zion received that measure of attention to which their excellence entitles them, it be, and hereby is recommended to pastors, Sessions, heads of families, superintendents of Sabbath-schools, and all charged with the education of youth, in our connection, to give these admirable seminaries of Christian truth and duty a prominent place in their instructions to the youth and children under their care.—1830, p. 304.

b. *Resolved*, That the use of the Catechism in the religious instruction of the young, and of the children under the care of the Church, be affectionately and earnestly recommended to the Sessions in connection with the General Assembly, as the most effectual means under God of preserving the purity, peace and unity of the Church —1832, p. 372.

c. The following resolutions on the subject of catechetical instruction were unanimously adopted, viz.:

Resolved, 1. That this General Assembly consider the practice of catechetical instruction as well adapted to the prosperity and purity of our Zion.

Resolved, 2. That this Assembly view also with deep regret the neglect, on the part of many of our churches, of this good old practice of our fathers; a practice which has been attended with such blessed results to the cause of pure and undefiled religion.

Resolved, 3. That the institution of Sabbath-schools does not exonerate ministers and parents from the duty of teaching the Shorter Catechism to the children of the Church.

Resolved, 4. That this Assembly earnestly and affectionately recommend to all ministers and ruling elders in its connection to teach diligently the young of their respective congregations the Assembly's Shorter Catechism.—1849, p. 181, N. S.

d. *Resolved*, That the Assembly regard Christian training at all periods of youth and by all practicable methods, especially by parents at home, by teachers in institutions of learning, and by pastors through catechetical and Bible classes, as binding upon the Church according to the injunction, "Train up a child in the way he should go," and as having a vital connection with the increase of numbers and efficiency of the ministry and of the stability and purity of the Church.—1854, p. 30, O. S.

e. *Resolved*, That this Assembly recommend that the Westminster Assembly's Catechism be introduced as a text-book into all the Sabbath-schools under our supervision and control, where it is not now used.—1866, p. 278, N. S.

5. Relation of Sabbath-schools to the family.

We are pleased to find that our Sabbath-school system appears to be gaining upon the confidence of the churches, but we caution heads of families against the idea that their duties may be delegated to the Sab-

bath-school teacher. The obligations of parents are intransferable. The teacher is not the parent's substitute, but his helper; and it is equally the duty of the parent to superintend the instruction of his family as though there were no such thing as a Sabbath-school.—1840, p. 310, O. S.; 1877, p. 516.

6. Relation of the Sabbath-school to the Session.

a. These schools should always be under the direction of the pastor and Session, and they should see to it that our Catechisms constitute, in all cases, a part of the regular course of instruction.—1840, p. 310, O. S.; 1877, p. 516.

b. The Sabbath-school—like all the religious institutions and agencies of each individual church—is and ought to be under the watch and care of the Session, and should be regarded not as superseding but as coöperating with the entire system of pastoral instruction, the responsibilities of which it should not in any manner diminish.—1863, p. 241, N. S.; 1877, p. 516.

c. The Assembly resumed the unfinished business, being the consideration of the report of the Committee on Sunday-schools, which was amended, adopted, and is as follows: . . . .

Resolved, 1. That it belongs emphatically to the pastor and elders of each congregation to direct and supervise the whole work of the spiritual training of the young, and that it is an important part of the functions of their office both to encourage parents to fidelity in bringing up their children in the nurture and admonition of the Lord, and also to secure the coöperation of all the competent members of the Church in the religious education of all the children and youth to whom they can gain access.

2. That great attention ought to be paid to the work of inculcating lessons from the sacred Scriptures, and of fixing in the memory the Catechisms of our Church both as to its doctrine and polity; and still further, of combining all the schools of a congregation in united worship as far as possible, and especially of leading them to Jesus in the exercise of a living faith and continued reliance on the Holy Spirit.

3. That to the above end we would further recommend to the pastors that they adapt, wherever practicable, the second discourse of every Sabbath particularly to the young of their flock; thus affording to this, the most susceptible and hopeful portion of their fields, at least one-half of their time and labor, and giving their children distinctly to feel that they have a place, no less in the sanctuary than in the Sunday-school, both for worship and instruction.

4. That church Sessions be required to furnish in their statistical reports a full account of the number of Sunday-school scholars and teachers in their respective congregations, to be embodied in the Assembly's minutes.

5. That a Permanent Committee of the Assembly be appointed, whose duty it shall be to take charge of this great interest, and to report whatever may quicken and stimulate the Church in its duty of training the young according to the Word of God.

6. That this General Assembly earnestly recommend to the pastors of the churches within its bounds to present before their congregations, in one or more discourses, the relation of baptized children to the Church, and the reciprocal duties between parents and children growing out of

this relation, as defined in the Word of God and declared in the doctrines of our Church.

7. That it is exceedingly desirable that the entire congregation, old and young, be permanently connected with the Sunday-school either as scholars or teachers.—1864, pp. 507, 508, N. S.; reaffirmed, 1877, p. 516.

d. The Committee to whom were referred certain resolutions on the subject of Sabbath-schools would respectfully report the following minute:

The Sabbath-school, in its original design, as it lay in the mind of its founder, was simply a means of imparting instruction to the children of the poor. While that great purpose should never be lost sight of, yet the institution has grown to be an important auxiliary to the Church in the instruction and religious culture of her children. As such, it naturally comes under the direction of the pastor and Session of each church, and they should ever be recognized as its proper guardians and supervisors. They have no more right to relinquish this solemn responsibility than they have to give up the care and discipline and instruction of the church. He who said to His apostle, "Feed my sheep," said also, "Feed my lambs." With this obvious fact of the responsibility of pastors for the children of their churches, the General Assembly does hereby set forth the following principles as guides to pastors and Sessions in fulfilling their duties in respect to the Sabbath-school work.

1. The pastoral office involves the practical supervision of the Sabbath-school. The pastor should frequently, if not constantly, be present to counsel and aid those who may under him be engaged in the work of instruction.

2. While the Holy Bible is the great text-book of the Sabbath-school, it is eminently fitting that the summary of Christian doctrine as contained in our admirable Shorter Catechism should also be taught, and that a lesson therefrom should be recited at least once a month, and that at least once in a quarter the pastor himself should examine the whole school therein, adding thereto such explanations and illustrations as may to him seem proper.

3. The books of the Sabbath-school library should be wholly subject to the supervision of the pastor and ruling elders, and no work, except it be published by our Board of Publication, shall be admitted, which they have not approved. In this examination care should be taken that no book receives their sanction which might give the minds of children a bias unfavorable to the order, doctrine and practices of our Church, or which might beget a taste for frivolous literature, or which does not impart some weighty truth or important information.

4. In addition to the exercises of the Sabbath-school, every pastor should hold frequent meetings, especially for the children, in which the addresses and services are adapted to their intellectual capacities and wants.

5. Presbyteries are hereby enjoined, in their annual inquiry into the state of the churches within their bounds, to ascertain whether these principles are adhered to, and how far they are carried into practice.

6. The Assembly furthermore recognizes the importance of securing for those engaged in the work of Sabbath-school instruction all the aids that may have been prepared either in our own country or abroad, whether in illustration or explanation of the doctrines of the Word of

God, or in reference to the conduct and discipline of the Church, or in regard to the best methods of securing its prosperity and largest success. For this purpose the Board of Publication is directed to add to their list of works all such helps to Sabbath-school instruction as may be found valuable and useful, either by the republication of standard foreign works, or the issue of those which may be obtained from authors at home, and to procure for the use of pastors and teachers, at their request, such works published by other societies or establishments as may be valuable auxiliaries in the great work of the Sabbath-school.

7. It should be the aim of all engaged in the religious culture of the young, whether parents or guardians, or pastors and teachers, to counteract, as far as possible, the tendencies of the age to unhealthy excitements, to a vapid and enervating literature, which only enfeebles and demoralizes the mind, and often corrupts the heart; to induce the youth under their care to seek for sound and wholesome doctrine; to correct their taste; to beget in them a love for those noble and substantial works which were the food on which our fathers fed, and by which they grew into a strength and greatness which has made them ever after to be remembered.—1867, p. 351, O. S.; confirmed, 1877, p. 516.

e. We again call the attention of our Sabbath-schools to the deliverances of former General Assemblies, which refer the supervision of their work, the selection of officers and teachers, the direction of the benevolence, and the general conduct of the school to the Session of the church. —1885, p. 627.

7. Superintendents to be appointed or approved by Session.

a. In all of our Sabbath-schools superintendents should be chosen or appointed, subject to the approval of the Session.—1878, p. 26.

b. The Assembly earnestly recommends the Sessions of all our churches, in the exercise of their right, to appoint the superintendent and maintain a careful and authoritative supervision of all the Sabbath-school work of their congregations and mission enterprises.—1882, p. 49.

8. Teachers to be approved by Session.

The selection of teachers belongs to the Session of the church.—1885, p. 627.

9. Primary instruction to be given.

It is recommended to the pastors and Sessions of our churches to make themselves acquainted with the system of infant-school instruction, and to establish such schools in their congregations.—1830, p. 303.

10. The Shorter Catechism to be taught in the schools.

The use of the Catechism in the religious instruction of the young, and of the children under the care of the church, is affectionately and earnestly recommended to the Sessions, as the most effectual means, under God, of preserving the purity, peace and unity of the Church.—1832, p. 372.

The pastors and Sessions should see to it that in congregations where the Shorter Catechism is neglected, it be introduced and used with due prominence.—1878, pp. 25, 26.

The Assembly earnestly recommends the systematic study of the Shorter Catechism in all the Sabbath-schools.—1891, p. 129.

11. The schools to be supported by the churches.

Many of our schools are left by the particular churches to which they belong without any proper provision for their support. The schools are left to provide the funds for their current expenses; and the intelligent interest and affection of the children are centred in self-care. No more should parents expect their little children to pay for their own bread, clothes and schoolbooks than should the church expect them to bear the expense of their instruction in the Sabbath-school.—1895, p. 88.

12. Sessions to supervise the contributions of the schools.

That pastors and Sessions be urgently requested to maintain a careful supervision of the objects for which collections are made in the Sabbath-schools, and to secure their contribution to our own benevolent causes.—1882, p. 48.

The Presbyterian Church should "make the Sabbath-school a training school in methods and objects of Christian benevolence, to the end that our young people may understand the work and love the great Boards of our Church—not part, but all of them.—1895, p. 88.

13. Children's Day commended.

The General Assembly notices with approval the observance by our churches and Sabbath-schools of the second Sabbath of June, designated as "Children's Day," and emphasizes the importance of seeking the presence and power of the Holy Spirit in these services, that they may not be simply attractive, but profitable, contributing to the conversion and Christian nurture of the young.—1885, p. 626.

14. Presbyterian Lesson Helps to be used.

There is nothing now in the complaint, so often heard in former years, that Presbyterian Lesson Helps are too expensive. A careful comparison with the price of "Helps" published by the leading houses in this business, shows that our Board is furnishing better goods for less cost: and if this were not enough, it is giving free of all cost supplies to needy schools. There is no shadow of justification, or even excuse, for patronizing irresponsible concerns whose supplies would be dear at any price.—1895, p. 88.

15. Loyalty to our own Sabbath-school agencies recommended.

There is no force in the plea for non-denominational work as being better adapted to reach the masses. People will love the agency that cares for them; they will love the Presbyterian Church, and come into it gladly, if the Presbyterian Church proves that she loves them and seeks their good. So we urge our people to stand loyally by their own Church agency for this work, and to give what they have for this cause, through our own Board.—1895, p. 88.

16. Standing Committees of Presbyteries and Synods on Sabbath-school Work.

The Assembly recommends that a Standing Committee on Sabbath-schools be appointed by each Presbytery and Synod for the purpose of holding Sabbath-school institutes, stimulating normal classes, guarding against the intrusion of outside lesson helps, purifying the literature of Sabbath-school libraries, and to obtain statistics for the use of the secretary of this department.—1882, p. 48.

17. Systematic Bible study by the whole congregation.

1. Pastors and Sessions are urged to put forth practical and persistent efforts to enlist their entire congregations in systematic Bible study and teaching in connection with the Sabbath-school.

2. The General Assembly again emphasizes the duty of church Sessions to exercise supervision over their Sabbath-schools, especially in the choice of officers and teachers

3. In the judgment of the General Assembly, greater prominence should be given in Sabbath-school contributions to the causes represented by our Boards, that the scholars may be educated intelligently to contribute to each always, and especially remembering the Sabbath-school Missionary Department of the Board of Publication. Adopted.—1883, p. 616.

CHAPTER II.

OF THE ASSEMBLING OF THE CONGREGATION AND THEIR BEHAVIOR DURING DIVINE SERVICE.

I. When the time appointed for public worship is come, let the people enter the church, and take their seats in a decent, grave, and reverent manner.

II. In time of public worship, let all the people attend with gravity and reverence; forbearing to read anything, except what the minister is then reading or citing; abstaining from all whisperings: from salutations of persons present, or coming in; and from gazing about, sleeping, smiling, and all other indecent behavior.

1. Posture in public prayer.

a. On an overture from the Presbytery of Philadelphia, asking the Assembly to adopt measures for arresting or abating the growing evil of sitting in public prayer, the Assembly took action, viz.:

While the posture of standing in public prayer, and that of kneeling in private prayer, are indicated by examples in Scripture, and the general practice of the ancient Christian Church, the posture of sitting in public prayer, is nowhere mentioned, and by no usage allowed; but, on the contrary, was universally regarded by the early Church as heathenish and irreverent, and is still, even in the customs of modern and Western nations, an attitude obviously wanting in the due expression of reverence; therefore this General Assembly

Resolve, That the practice in question be considered grievously improper, whenever the infirmities of the worshiper do not render it necessary; and that ministers be required to reprove it with earnest and persevering admonition.—1849, p. 255, O. S.

b. Reaffirmed by the Assembly of 1857, p. 38, O. S.

c. An overture from the Presbytery of Michigan in relation to posture in prayer and praise, with the answer that action is inexpedient, which was adopted.—1870, p. 28.

[NOTE.—See *Minutes*, 1854, p. 509, N. S.]

CHAPTER III.

OF THE PUBLIC READING OF THE HOLY SCRIPTURES.

I. The reading of the Holy Scriptures, in the congregation, is a part of the public worship of God, and ought to be performed by the ministers and teachers.

II. The Holy Scriptures of the Old and New Testament shall be publicly read, from the most approved translation, in the vulgar tongue, that all may hear and understand.

[NOTE.—See Confession of Faith, Chap. i, Sec. viii, p. 66.]

THE REVISED VERSION.

1. The Assembly expresses neither approval nor disapproval.

Overture from the Presbytery of Dayton, asking that the Assembly commend the use of the Revised Version of the Scriptures, and from the Synod of Baltimore, on the same subject.

We recommend answer as follows: The Revised Version, however valuable it may be as a help in the study of the Scriptures, is still upon its trial among English-speaking people. Therefore the time has not arrived for the Assembly to express approval or disapproval. Meanwhile we call the attention of ministers and Sessions to Chap. iii, Sec. ii, of the Directory for Worship. Adopted.—1887, p. 82.

2. Inexpedient to authorize its use in public worship.

Overture from the Synod of Baltimore, and from the Presbytery of Dayton, the former asking whether the use of the Revised Version of the Holy Scriptures in public worship is consistent with Chap. iii, Sec. ii, of the Directory for Worship; and the latter asking the Assembly to allow the use of the Revised Version in the public services of the sanctuary, with a view to removing an occasion of complaint in some churches.

It is recommended that in the present unsettled condition of opinion regarding the Revised Version of the Sacred Scriptures, it be deemed inexpedient for the General Assembly to authorize its use in the public worship of the sanctuary. Adopted.—1888, p. 72.

3. Inexpedient to direct its use in public worship.

Overture from the Presbytery of Dayton, as follows: "The Presbytery of Dayton, being persuaded that good could be done by the more general use of the 'Revised Version of the Scriptures' in the services of the sanctuary, because of the light it throws on God's truth, respectfully overtures the General Assembly to commend its use by the ministry and teachers in our Sabbath-schools, and thus relieve the minds of such as, from scruples of conscience, refrain from the use of it, because its use has not been formally sanctioned by the General Assembly." The Committee answer, that while in the present unsettled condition of opinion regarding the Revised Version of the Scriptures, the Assembly deems it inexpedient to direct its use in the public worship of God, its

action must not be construed as intending to detract from the value of the Revised Version, or to express any want of confidence in it. The Assembly feels assured that the recent revision will, if found worthy, establish its value in the estimation of the people of God, and that the sanction of the Assembly is not needful. Adopted.—1889, p. 80.

4. No official sanction of its use necessary.

Overture from the Presbytery of Los Angeles, asking the sanction of the Assembly on the use of the Revised Version of the Scriptures in public worship.

Recommended, That in view of the liberty already received no official sanction is necessary. Adopted.—1892, p. 178.

5. Appointment of commission declined.

In answer to overtures asking the General Assembly of 1887 to commend the use of the Revised Version of the Holy Scriptures, the Assembly replied as follows:

"That, however valuable it may be as a help in the study of the Scriptures, it is still upon its trial among English-speaking people; therefore the time has not arrived for the Assembly to express approval or disapproval. Meanwhile, we call the attention of ministers and Sessions to Chap. iii, Sec. ii, of the Directory for Worship" (*Minutes*, General Assembly, 1887, p. 82).

Directory for Worship, Chap. iii, Sec. ii, reads as follows:

"The Holy Scriptures of the Old and New Testament, shall be publicly read, from the most approved translation, in the vulgar tongue, that all may hear and understand."

And Sec. iii says, the minister "may, when he thinks it expedient, expound any part of what is read."

As our Directory for Worship authorizes our ministers in reading "the most approved translation, in the vulgar tongue," to "expound any part of what is read," and as it is not probable that the Authorized Version of the Holy Scriptures will be displaced by any New Version in this generation, we do not recommend the appointment of the Commission asked for in this overture. Adopted.—1896, p. 158.

III. How large a portion shall be read at once, is left to the discretion of every minister: however, in each service, he ought to read, at least, one chapter; and more, when the chapters are short, or the connection requires it. He may, when he thinks it expedient, expound any part of what is read: always having regard to the time, that neither reading, singing, praying, preaching, or any other ordinance, be disproportionate the one to the other; nor the whole rendered too short, or too tedious.

1. The early rule for the reading of the Scriptures.

Overtured, That every minister, in their respective congregations, read and comment upon a chapter of the Bible every Lord's day as discretion and circumstances of time, place, etc., will admit. Adopted.—1707, p. 10.

2. Responsive services in public worship unwise.

Overture from the Presbytery of Baltimore in regard to responsive and ritualistic services.

The Committee recommend these resolutions:

1. That the practice of responsive service in the public worship of the sanctuary is without warrant in the New Testament, and is unwise and impolitic in view of its inevitable tendency to destroy uniformity in our mode of worship.

2. That the Sessions of the churches are urged to preserve, in act and spirit, the simplicity of service indicated in the Directory for Worship. Adopted.—1874, p. 83.

[NOTE.—See *Digest*, 1886, p. 784; *Minutes*, 1869, p. 926, O. S.]

3. Responsive reading not a subject of church discipline.

Overture from the Synod of Toledo, asking that the General Assembly transmit to the Presbyteries an overture which shall settle clearly that responsive readings are a permissible part of public worship, or the opposite.

The Committee recommend the following answer:

This Assembly does not deem it advisable to send down such an overture. Referring to past action of the General Assembly for an opinion as to the usage in question, this Assembly is not prepared to recommend to the Sessions to make it a subject of church discipline.—1876, p. 79.

4. Responsive reading judicially declared not to be a violation of the Constitution.

The Judicial Commission, in the case of the appeal of Charles D. Drake, against the Synod of Baltimore, made report as follows, which was adopted, and ordered on record:

In the matter of the appeals of Charles D. Drake from the judgments of the Synod of Baltimore, to the General Assembly of the Presbyterian Church in the United States of America, entitled: Charles D. Drake *vs.* George O. Little, appeal from judgment of Synod of Baltimore; and Charles D. Drake *vs.* Tennis S. Hamlin, appeal from same Synod, the duly constituted Commission make up the following record and report: . . . .

Charles D. Drake presented two complaints to the Presbytery of Washington City against the defendants above named. The same complaints were alike, and contained substantially the following charge and specification:

Charge.—The violation of the Constitution of the Presbyterian Church in the United States.

Specification.—That the said defendants, being ministers, in the months of March and April of A.D. 1887, did in the Assembly's churches, introduce into the public worship of the congregations, respectively, the practice of responsive service in the reading of portions of the Holy Scriptures.

The Presbytery of Washington City dismissed the complaints of the said Charles D. Drake as not sufficient in substance to furnish grounds to order process.

The Synod of Baltimore refused to entertain the appeals of the said cases by the said Charles D. Drake from the judgments of the said Presbytery of Washington City, and dismissed the said appeals and sustained the action of the said Presbytery.

The appellant assigned the refusal of the Synod of Baltimore to sustain his appeals from the judgments of the Presbytery of Washington City in

the said cases and the ordering of said appeals to be dismissed, as his specification of error.

Finding.—After full consideration of the cases, as consolidated, the vote of the Commission was taken upon the specification of error alleged, whereupon it was unanimously determined that the specification be not sustained.

Judgment.—And now, to wit, May 26, 1888, it is ordered, adjudged, and decreed, by the Commission aforesaid, that the judgments of the Synod of Baltimore in the cases aforesaid be and the same are hereby affirmed. Adopted and ordered on record.—1888, pp. 112, 113.

5. The present freedom of worship under the Directory reliable and edifying.

The Standing Committee on Bills and Overtures further reported on the resolution referred by the Assembly, proposing that the Assembly reappoint a Committee on Uniformity in Worship, recommending no action, inasmuch as in the judgment of the Committee the present freedom under the limits of our Directory for Worship is more reliable and edifying. Adopted.—1896, p. 39.

6. The Apostles' Creed may be used in public worship.

Resolved, 4. The attention of our congregations is hereby called to the fact that the Apostles' Creed is one of the Standards of the Presbyterian Church; that the instruction of the children of the Church therein is commended in the Directory for Worship, Chap. x, Sec. i, and that its use in worship is not contrary to any law or regulation of our denomination.

Resolved, 5. That when the Apostles' Creed is used in the worship of our congregations, the Assembly judges that ministers are at liberty to substitute for the phrase, "He descended into hell," the equivalent words, "He continued in the state of the dead, and under the power of death, until the third day."—1892, p. 35.

CHAPTER IV.

OF THE SINGING OF PSALMS.

I. It is the duty of Christians to praise God, by singing psalms, or hymns, publicly in the church, as also privately in the family.

[NOTE.—See Confession of Faith, Chap. xxi, Sec. v, p. 90.]

1. Early action on the subject of psalmody.

a. A query was brought in, in these words: "As sundry members and congregations within the bounds of our Synod judge it most for their edification to sing Dr. Watts' imitation of David's Psalms, does the Synod so far approve said imitation of David's Psalms as to allow such ministers and their congregations liberty of using them?"

As a great number of this body have never particularly considered Dr. Watts' imitation, they are not prepared to give a full answer to the question. Yet as it is well approved by many of this body, the Synod have no objection to the use of said imitation by such ministers and con-

gregations as incline to use it, until the matter of psalmody be further considered. And it is recommended to the members of this body to be prepared to give their sentiments respecting this subject at our next meeting.—1763, p. 331.

b. After some consideration of the query concerning the use of Dr. Watts' imitation of the Psalms, the Synod judged it best, in present circumstances, only to declare that they look on the inspired Psalms in Scripture to be proper matter to be sung in divine worship according to their original design and the practice of the Christian Churches, yet will not forbid those to use the imitation of them whose judgment and inclination leads them to do so.—1765, p. 345.

[NOTE.—The book in general use was Rouse's version of the Psalms. In addition to the action given above, the Synod allowed that Dr. Watts' imitation of David's Psalms, as revised by Mr. Barlow, be sung in the churches and families under their care (1787, p. 535). In 1802, p. 249, the hymns of Dr. Watts were also allowed. In 1819, p. 76, the subject of Psalmody was considered and referred to the next Assembly. A Committee, composed of Drs. Caldwell and Romeyn and Mr. Andrew Wylie, presented a report on the subject which was adopted (1820, p. 740). The result was "The Book of Psalms and Hymns," which was approved and authorized to be used in all our churches (1830, p. 306.) "The Church Psalmist," prepared by Dr. N. S. Beman, was approved by the N. S. Assembly, *Minutes*, 1840, p. 24; 1846, p. 19: 1857, pp. 410, 411; 1859, p. 38. See Moore's *Digest*, 1886, p. 779.]

II. In singing the praises of God, we are to sing with the spirit, and with the understanding also; making melody in our hearts unto the Lord. It is also proper, that we cultivate some knowledge of the rules of music; that we may praise God in a becoming manner with our voices, as well as with our hearts.

1. The Book of Tunes.

Resolved, That a Committee of three be appointed by the Publication Committee to prepare a book of tunes adapted to the Church Psalmist, and that this Committee be instructed to consult and correspond with pastors and leaders of choirs in the churches, as to the particular tunes most in use and most popular in the congregations, and that this Committee report to the next General Assembly.—1857, p. 410, N. S.

[NOTE.—The Committee reported progress to the Assembly in 1858. The book, "The Eclectic Tune Book," was laid before the Assembly in 1860, *Minutes*, p. 246.]

2. The Hymnal.

[NOTE.—In consequence of overtures from various Presbyteries, the Assembly of 1863, O. S., appointed a Committee to take the whole subject into consideration, and report to the next Assembly. This Committee reported on the whole subject, and the Assembly

Resolved, 1. That the report be adopted and printed in the Appendix to the *Minutes*.

2. That this Assembly approve the Hymnal as published, and allow the same to be used in all our churches; but it is not required that it shall supersede the books in present use.—1866, p. 95, O. S.

3. "Social Hymn and Tune Book."

[NOTE.—"The Social Hymn and Tune Book" was prepared by the Publication Committee under the direction of the General Assembly and laid before it in 1866.]

Resolved, That the "Social Hymn and Tune Book," recently published by the Committee, be commended as preëminently adapted to social and congregational worship.—1866, p. 272, N. S.

4. Report on sacred music. The Hymnal commended.

[NOTE—For the report in full, see *Minutes*, 1867, pp. 365–367, O. S.]

5. The Presbyterian Hymnal accepted and approved.

The Committee on the "Book of Praise," through their Chairman, the Rev. Herrick Johnson, D.D., presented their report, which was accepted, their work approved, and the Committee discharged, with thanks, for the efficient manner in which they had performed their duty. —1875, p. 508.

[NOTE.—For the report of the Committee, which was adopted, see *Minutes*, 1875, pp. 508, 509; *Digest*, 1886, p. 842.]

6. Hymns for social meetings and the Sunday-school.

1. That a collection of hymns suitable for use in meetings for social prayer and in the Sunday-school should be provided by the Presbyterian Church for use by its churches.

2. That the Board of Publication be directed to take this subject into consideration, and to prepare and publish, at as early a date as practicable, a collection of hymns, such as is contemplated by this overture, and furnish the same at such prices as shall place the collection within the reach of our Sunday-schools.—1882, p. 42.

7. The new Hymnal.

a. The Board of Publication reported that the new Hymnal is so far advanced that its publication is promised in a few months. Sample pages of the hymns and tunes were put in the hands of the Assembly, and it was

Resolved, That we heartily recommend the new Hymnal, now approaching completion, to our churches, and express the earnest hope for the general adoption of this collection as the book of praise throughout our Church; and that we record our grateful appreciation of the labors of the Committee in charge of its preparation.—1895, pp. 89, 90.

b. The Assembly heartily commends to the Church the new Hymnal, and recommends its adoption in all our churches, as the best attainable manual of praise.—1896, p. 83; 1897, p. 72.

III. The whole congregation should be furnished with books, and ought to join in this part of worship. It is proper to sing without parceling out the psalm, line by line. The practice of reading the psalm, line by line, was introduced in times of ignorance, when many in the congregation could not read: therefore, it is recommended, that it be laid aside, as far as convenient.

IV. The proportion of the time of public worship to be spent in singing is left to the prudence of every minister: but it is recommended, that more time be allowed for this excellent part of divine service than has been usual in most of our churches.

1. Church music is under the control of the minister and the Session.

a. In reply to an overture from the Synod of Cincinnati on the subject of instrumental music, the following minute was adopted:

Whereas, by our Constitution (Form of Government, Chap. ix, Sec. vi, and Directory for Worship, Chap. iv, Sec. iv), the whole internal

arrangement of a church, as to worship and order, is committed to the minister and Session; therefore,

Resolved, That this Assembly do not feel themselves called upon and obliged to take any further order on this subject, but leave to each Session the delicate and important matter of arranging and conducting the music as to them shall seem most for edification, recommending great caution, prudence and forbearance in regard to it.—1845, pp. 21, 22, O. S.

b. A memorial asking the Assembly "to define the rights of a Session of a church in regard to the singing in the house of God," answered by referring to the above action.—1858, p. 281, O. S.

[NOTE.—See also Form of Government, Chap. ix, Sec. vi, No. 26, p. 172; also Directory for Worship, Chap. iii, Sec. iii, p. 833.]

CHAPTER V.

OF PUBLIC PRAYER.

I. It seems very proper to begin the public worship of the sanctuary by a short prayer: humbly adoring the infinite majesty of the living God; expressing a sense of our distance from him as creatures, and unworthiness as sinners; and humbly imploring his gracious presence, the assistance of his Holy Spirit in the duties of his worship, and his acceptance of us through the merits of our Lord and Saviour Jesus Christ.

II. Then, after singing a psalm, or hymn, it is proper that, before sermon, there should be a full and comprehensive prayer: *First*, Adoring the glory and perfections of God, as they are made known to us in the works of creation, in the conduct of providence, and in the clear and full revelation he hath made of himself in his written Word: *Second*, Giving thanks to him for all his mercies of every kind, general and particular, spiritual and temporal, common and special; above all, for Christ Jesus, his unspeakable gift, and the hope of eternal life through him: *Third*, Making humble confession of sin, both original and actual; acknowledging, and endeavoring to impress the mind of every worshiper, with a deep sense of the evil of all sin, as such; as being a departure from the living God; and also taking a particular and affecting view of the various fruits which proceed from this root of bitterness:—as sins against God, our neighbor, and ourselves; sins in thought, in word, and in deed; sins secret and presumptuous; sins accidental and habitual. Also, the aggravations of sin, arising from knowledge, or the means of it; from distinguishing mercies; from valuable privileges; from breach of vows, etc.: *Fourth*, Making earnest supplication for the pardon of sin, and peace with God, through the blood of the atonement, with all its important and happy fruits; for the Spirit of sanctification, and abundant supplies of the grace that is necessary to the discharge of our duty; for support and comfort, under all the trials to which we are liable, as we

are sinful and mortal; and for all temporal mercies that may be necessary, in our passage through this valley of tears: always remembering to view them as flowing in the channel of covenant love, and intended to be subservient to the preservation and progress of the spiritual life: *Fifth*, Pleading from every principle warranted in Scripture: from our own necessity; the all-sufficiency of God; the merit and intercession of our Saviour; and the glory of God in the comfort and happiness of his people: *Sixth*, Intercession for others, including the whole world of mankind; the kingdom of Christ, or his Church universal; the church or churches with which we are more particularly connected; the interest of human society in general, and in that community to which we immediately belong; all that are invested with civil authority; the ministers of the everlasting gospel; and the rising generation: with whatever else, more particular, may seem necessary, or suitable, to the interest of that congregation where divine worship is celebrated.

[Note.—See Confession of Faith, Chap. xxi, Sec. iii, p. 90.]

III. Prayer after sermon, ought generally to have a relation to the subject that has been treated of in the discourse; and all other public prayers, to the circumstances that gave occasion for them.

IV. It is easy to perceive, that in all the preceding directions there is a very great compass and variety; and it is committed to the judgment and fidelity of the officiating pastor to insist chiefly on such parts, or to take in more or less of the several parts, as he shall be led to by the aspect of Providence; the particular state of the congregation in which he officiates; or the disposition and exercise of his own heart at the time. But we think it necessary to observe, that although we do not approve, as is well known, of confining ministers to set or fixed forms of prayer for public worship; yet it is the indispensable duty of every minister, previously to his entering on his office, to prepare and qualify himself for this part of his duty, as well as for preaching. He ought, by a thorough acquaintance with the Holy Scriptures, by reading the best writers on the subject, by meditation, and by a life of communion with God in secret, to endeavor to acquire both the spirit and the gift of prayer. Not only so, but when he is to enter on particular acts of worship, he should endeavor to compose his spirit, and to digest his thoughts for prayer, that it may be performed with dignity and propriety, as well as to the profit of those who join in it; and that he may not disgrace that important service by mean, irregular, or extravagant effusions.

1. Liturgical forms not needed.

A paper from the Synod of Albany, containing suggestions in relation to the use of liturgical forms of worship, which they desire to be adopted by this General Assembly, was considered; it was

Resolved, That, as the usages and forms of the Presbyterian Church

have been so uniform and acceptable for years past, from their Scriptural simplicity; and as no extensive departure from, or change of, these usages and forms is likely to take place in the Presbyterian denomination, therefore it is the judgment of this Committee that no action by this Assembly is at present demanded.—1867, p. 498, N. S.

2. Book of Forms. Liberty to use the forms of the Reformed Churches.

From the Presbytery of Puget Sound, asking the General Assembly to prepare and publish a Book of Forms for public and social worship, and for special occasions, which shall be the authorized service-book of the Church, to be used whenever a prescribed formula may be desired. Your Committee recommend the following answer: In view of the action of previous General Assemblies on this subject, and the liberty which belongs to each minister to avail himself of the Calvinistic or other ancient devotional forms of the Reformed churches, so far as may seem to him for edification, it is inexpedient for this General Assembly to make any special order in the premises.—1882, p. 95.

[NOTE.—See also Directory for Worship, Chap. iii, Sec. ii, p. 832.]

CHAPTER VI.

OF THE WORSHIP OF GOD BY OFFERINGS.

Adopted 1886.

I. In order that every member of the congregation may be trained to give of his substance systematically, and as the Lord hath prospered him to promote the preaching of the Gospel in all the world and to every creature, according to the command of the Lord Jesus Christ, it is proper and very desirable that an opportunity be given for offerings by the congregation in this behalf every Lord's day, and that, in accordance with the Scriptures, the bringing of such offerings be performed as a solemn act of worship to almighty God.

II. The proper order, both as to the particular service of the day and the place in such service for receiving the offerings, may be left to the discretion of the minister and Session of the Church; but that it may be a separate and specific act of worship, the minister should either precede or immediately follow the same with brief prayer, invoking the blessing of God upon it and devoting the offerings to his service.

1. General recommendations.

Your Committee present for the Assembly's approval the following resolutions:

1. That the plan of weekly worshipful offerings, "as God has prospered," commended in the newly adopted chapter of our Directory for Worship, be urged upon the earnest practical attention of all our ministers and Sessions.

2. That the system of individual pledges either to the general benefi-

cences of the Church, or to the work of any special Board, be favored as superior both in principle and practice to any mode of sporadic contribution.

3. That every Presbytery be charged to press towards an adequate beneficence, any of its churches that are manifestly lagging behind their duty and ability; also to encourage every church towards an improvement every year upon its own previous giving.

4. That inasmuch as this General Assembly has recommended the churches to raise definite and largely increased amounts for several of the Boards, the Session of each church be urged to calculate what proportionate increase in their contributions is necessary to comply with this recommendation and that they endeavor earnestly to raise that sum.

5. That this Assembly reiterate the instructions of its predecessors to all Synods and Presbyteries within our bounds, that they appoint and maintain efficient Committees on Beneficence who shall report to and coöperate with the Assembly's Committee.

6. That Presbyteries and churches be recommended to hold services at convenient periods each year at which pastors may call to their aid elders and lay members to testify, out of their own knowledge and experience, to the benefits and blessings of systematic principled giving to the Lord. Adopted.—1887, p. 121.

[Note.—See also *Minutes*, 1888, pp. 127, 128; 1889, p. 67; 1890, p. 78.]

2. Inquiry to be made by Presbytery as to compliance with the recommendations of the Assembly.

This Assembly reiterates the recommendation of the General Assembly of 1890: "That Presbyteries be advised to call their churches annually to account, at some regular meeting, in reference to their compliance with the recommendations of the Assembly."—1892, p. 195.

3. Plan for securing pledges and contributions from each member of each congregation.

The Committee on Benevolence have been entrusted with an overture from the Presbytery of Redstone, setting forth an excellent and elaborate plan for securing pledges and contributions from each member of each congregation. The Committee consider that they would transcend the province of the work assigned to them should they formulate and advocate any specific mode in which this important matter should be adopted in each Presbytery and church.

A certain flexibility of method must be allowed for varying needs under differing conditions.

There are certain general lines, however, within which it would appear the plan may be included. There are certain aims which may be indicated together with certain evils which should be avoided.

From our excellent sixth chapter of the Directory for Worship and from the deliverances of late Assemblies we may note these characteristics:

1. A stated offering on each Lord's day for the proclamation of the Gospel to all the world and to every creature. This need not be the Board of Foreign Missions exclusively, but it is evidently not intended to signify the local church exclusively or mainly.

2. An offering annually or more frequently from each church to each of our regular Boards. The Committee consider that the main responsi-

bility for this offering rests on the Session of the church and the Presbyterial Committee on Systematic Beneficence.

3. An offering from each regular worshiper in the local church to each cause that is presented. Responsibility for this offering rests on the conscience of the worshiper and the energy of the Session.

4. A full and definite presentation to each church, annually or more frequently, of the work, needs and hopes of the various Church causes. Responsibility for which presentation rests entirely upon the minister in charge.

5. A plan which avoids general scrutiny or publicity given to subscription lists.

6. A plan that equalizes as far as practicable the offerings according to the percentages of the recommendations, to the Boards, by the General Assembly.

7. A plan that prevents the unnecessary and vexatious delay in the return of the offerings to the Boards until the last day of the fiscal year.

8. A plan that will be effectual on stormy Sabbaths.—1896, pp. 88, 89.

4. Collections ordered must be taken.

In the matter of collections ordered by a higher judicatory, such as the General Assembly, "it is inconsistent with our Church government to be under the check or prohibition of a church Session; they indeed may give or withhold their charity, but may not prevent a minister to propose it publicly according to our appointment.—1755, p. 215.

5. Proportionate giving.

The General Assembly recommends, "that it be the unwearied effort of all elders of our churches to secure a general acceptance of the principle and adoption of the practice of proportionate giving."—1889, p. 68.

6. Individual pledges.

That the system of individual pledges, either to the general beneficence of the Church, or to the work of any special Board, be favored as superior both in principle and practice to any mode of sporadic contribution.—1887, p. 121.

7. Combination of collections discouraged.

This Assembly discouraged the practice of combining the offerings for pure benevolence and those for the church's current expenses, in the same collection, as injurious to both causes; nothing in this is to be construed against individual liberty as set forth in Chap. vi, Sec. iii, of the Directory for Worship.—1887, p. 122.

8. Fairs, etc., discountenanced.

That the Assembly commends most highly the efforts to abolish the makeshifts of fairs and suppers, and similar unbiblical and secularizing expedients for filling the treasury of our Lord.—1893, p. 122.

9. Money value of boxes.

The money value of boxes, etc., is properly included in the contributions reported in the appropriate column.—1893, p. 114.

10. Public announcement of offerings.

Sessions are "advised to make frequent report before their several churches of the amount contributed in their benevolent offerings, and the disposition made of the same."—1889, p. 67.

11. Offerings to be made as acts of worship.

Resolved, 8. That the General Assembly calls the especial attention of every pastor of the Church to Chap. vi, Directory for Worship, to the end that the offerings of the Church may be made, as therein provided, as acts of worship.—1894, p. 148.

III. The offerings received may be apportioned among the Boards of the Church and among other benevolent and Christian objects, under the supervision of the church Session, in such proportion and upon such general plan as may from time to time be determined; but the specific designation by the giver of any offering to any given cause or causes shall always be respected and the will of the donor carefully carried out.

1. Schedule for contributions.

After conference with representatives of several of the Boards of the Church, the Committee recommends:

1. That the schedule of distribution of the offerings of the churches be hereafter applied to the entire contributions of the Church, and not as heretofore confined to the undesignated balances.

2. That the schedule be fixed as follows:

Foreign Missions, 33 per cent.
Home Missions, 31 per cent.
Church Erection, 6 per cent.
Sabbath-school Work, 6 per cent.
Freedmen, 6 per cent.
Education, 6 per cent.
Ministerial Relief, 6 per cent.
Aid for Colleges, 6 per cent.
Adopted.—1895, p. 103; 1896, p. 90.

2. Designated months for the Boards.

For churches that have not yet adopted the scheme of weekly offerings set forth in the Directory for Worship, Chap. vi, it is recommended that the first Lord's days of the following months be set apart for contributions to the Boards:

1.	Home Missions,	Whenever deemed advisable.
2.	Foreign Missions,	January.
3.	Aid for Colleges,	February.
4.	Sabbath-school Work,	May.
5.	Church Erection,	July.
6.	Ministerial Relief,	September.
7.	Education,	October.
8.	Freedmen,	December.

IV. It is the duty of every minister to cultivate the grace of liberal giving in his congregation, that every member thereof may offer according to his ability, whether it be much or little.

1. Ministers to furnish information.

Every minister is charged to keep his people thoroughly informed concerning the work of the Boards, and the demand that such work is making upon every member.—1887, p. 122.

CHAPTER VII.

OF THE PREACHING OF THE WORD.

I. The preaching of the Word being an institution of God for the salvation of men, great attention should be paid to the manner of performing it. Every minister ought to give diligent application to it; and endeavor to prove himself a workman that needeth not to be ashamed, rightly dividing the word of truth.

1. Reading sermons.

a. It is further enjoined that all our ministers and probationers forbear reading their sermons from the pulpit, if they can conveniently.—1761, p. 309.

b. The General Assembly has reason to believe that the practice of reading sermons in the pulpit is greatly on the increase amongst our ministers, and being decidedly of the opinion that it is not the best method of preaching the Gospel, it hereby recommends the discontinuance of the practice as far as possible, and earnestly exhorts our younger ministers to adopt a different method, as more Scriptural and effective.—1841, p. 448, O. S.

c. *Whereas*, This General Assembly has reason to believe that the practice of reading sermons in the pulpit is on the increase amongst our ministers; and being decidedly of opinion that it is not the most effective and acceptable method of preaching the Gospel; therefore,

Resolved, That we do earnestly repeat the recommendation of the Assembly of 1841, that this practice be discontinued as far as practicable; and affectionately exhort our younger ministers and candidates for the ministry to adopt a different method as more Scriptural and effective, and more generally acceptable to God's people.—1849, p. 271, O. S.

II. The subject of a sermon should be some verse or verses of Scripture: and its object, to explain, defend and apply some part of the system of divine truth; or, to point out the nature, and state the bounds and obligation, of some duty. A text should not be merely a motto, but should fairly contain the doctrine proposed to be handled. It is proper also that large portions of Scripture be sometimes expounded, and particularly improved, for the instruction of the people in the meaning and use of the Sacred Oracles.

1. Expository preaching commended.

That in the discharge of pastoral duties they take the utmost care that the Word of God be known and understood by the people, and that for

this purpose, in their public instructions, the practice of lecturing on certain portions of the Scripture be not laid aside, but rather revived and increased.—1799, p. 182.

III. The method of preaching requires much study, meditation, and prayer. Ministers ought, in general, to prepare their sermons with care; and not to indulge themselves in loose, extemporary harangues; nor to serve God with that which cost them naught. They ought, however, to keep to the simplicity of the Gospel: expressing themselves in language agreeable to Scripture, and level to the understanding of the meanest of their hearers; carefully avoiding ostentation, either of parts or learning. They ought also to adorn, by their lives, the doctrine which they teach; and to be examples to the believers, in word, in conversation, in charity, in spirit, in faith, in purity.

IV. As one primary design of public ordinances is to pay social acts of homage to the most high God, ministers ought to be careful not to make their sermons so long as to interfere with or exclude the more important duties of prayer and praise; but preserve a just proportion between the several parts of public worship.

V. The sermon being ended, the minister is to pray, and return thanks to almighty God: then let a psalm be sung, and the assembly dismissed with the apostolic benediction.

VI. It is expedient that no person be introduced to preach in any of the churches under our care, unless by the consent of the pastor or church session.

CHAPTER VIII.

OF THE ADMINISTRATION OF BAPTISM.

I. Baptism is not to be unnecessarily delayed; nor to be administered, in any case, by any private person; but by a minister of Christ, called to be the steward of the mysteries of God.

1. Age of infancy not determined.

The Committee to which was referred the question, "At what age ought children to be considered too old to be baptized on the faith of their parents?" reported the following answer; which, being read, was adopted, viz.:

The precise time of life when the state of infancy ceases, is not determined in the Word of God, nor by the Standards of our Church, and, from the nature of the case, is incapable of being regulated by any uniform rule, but should be left to the judgment of ministers and Sessions, to be determined according to the particular circumstances of each case. The Assembly, therefore, deem it inexpedient to attempt to fix the precise time at which children ought to be considered too old to be baptized on the faith of their parents.—1822, p. 53.

2. Baptism by Unitarians, Romish baptism, etc.

[NOTE.—See in this *Digest*, pp. 104-107.]

II. It is usually to be administered in the church, in the presence of the congregation; and it is convenient that it be performed immediately after sermon.

III. After previous notice is given to the minister, the child to be baptized is to be presented, by one or both the parents, signifying their desire that the child may be baptized.

1. Who may be presented for baptism.

a. Not only those that do actually profess faith in and obedience unto Christ, but also the infants of one or both believing parents are to be baptized.—Confession of Faith, Chap. xxviii, Sec. iv.

b. Baptism is not to be administered to any that are out of the visible Church, and so strangers from the covenant of promise, till they profess their faith in Christ and obedience to him; but infants descending from parents, either both or but one of them, professing faith in Christ and obedience to Him, are, in that respect, within the covenant, and are to be baptized.—Larger Catechism, Ques. 166; Shorter Catechism, Ques. 95.

2. The duty of Christian masters to have their servants baptized, etc.

[NOTE.—See in this *Digest*, p. 108.]

3. Orphan children of heathen parents in the care of our missions.

The General Assembly of the Presbyterian Church in the United States of America to the Presbytery of Lodiana:

Dear Brethren:—You have submitted to us questions respecting a subject which we have no doubt is one of very great importance in regard to the progress of religion among the heathen. We have seriously considered it, and give you here the result of our deliberations.

You present to us three questions, to which we reply in the order in which the same are presented.

a. 1. Are all orphan children of heathen parents, committed to the care of our missions, entitled to the benefits of the ordinance of baptism without respect to their ages?

We reply, certainly they are not.

You must make the same distinction that you would make if their parents were alive and members of the Christian Church, and desiring to have them baptized, the same distinction which is made in Christian countries. We add, let those children only be baptized in every case who are so committed to the missions or other Christian tuition, as to secure effectually their entire religious education. On this point great caution is necessary.

b. 2. You ask (on the presumption that the preceding question is answered in the negative), Are those only to be baptized who have not attained to years of discretion?

This question we answer in the affirmative.

c. 3. Your third question is in substance as follows: If those only who have not attained to years of discretion are to be baptized, at what age

shall the federal right be supposed to cease and personal responsibility to commence?

Although it is not difficult to answer this question in accordance with the Standards and the practice of the Presbyterian Church, yet the rule may frequently be found difficult of application. Our answer to the question, however, is:

The officers of the Church must judge in each particular case whether the proposed subject of baptism has arrived at years of discretion or not. We can adopt no other rule in our own practice, and we can recommend no other to you. We refer you to Chap. x, Sec. ii, of our Directory for Worship. If the person proposed to be baptized has acquired that maturity of mind which renders him capable of making an intelligent profession of religion himself, he ought not to be baptized on the faith of another. Our Confession of Faith recognizes the right to baptism of the infant children only of such parents as are members of the Church. We do not doubt that in heathen countries children of heathen parents ordinarily arrive at what are called years of discretion later than those who enjoy the advantages of Christian instruction in early life; but in a country where the religion of all consists in forms and ceremonies, great care should be taken that the Christian religion does not even appear to partake of the formality and emptiness of Mohammedanism and Paganism.—1843, p. 179, O. S.

IV. Before Baptism, let the minister use some words of instruction, respecting the institution, nature, use, and ends of this ordinance; showing,

"That it is instituted by Christ; that it is a seal of the righteousness "of faith: that the seed of the faithful have no less a right to this ordi- "nance, under the gospel, than the seed of Abraham to circumcision, "under the Old Testament; that Christ commanded all nations to be "baptized; that he blessed little children, declaring that of such is the "kingdom of heaven; that children are federally holy, and therefore "ought to be baptized; that we are, by nature, sinful, guilty, and pol- "luted, and have need of cleansing by the blood of Christ, and by the "sanctifying influences of the Spirit of God."

The minister is also to exhort the parents to the careful performance of their duty: requiring,

"That they teach the child to read the Word of God; that they "instruct it in the principles of our holy religion, as contained in the "Scriptures of the Old and New Testament; an excellent summary of "which we have in the Confession of Faith of this Church, and in the "Larger and Shorter Catechisms of the Westminster Assembly, which "are to be recommended to them, as adopted by this Church, for their "direction and assistance, in the discharge of this important duty; that "they pray with and for it; that they set an example of piety and "godliness before it, and endeavor, by all the means of God's appoint- "ment, to bring up their child in the nurture and admonition of the "Lord."

1. Obligations and qualifications of parents.

a. The Synod do also exhort all the ministers within our bounds to take due care in the examination of all candidates for baptism, or that offer to dedicate their children to God in that sacred ordinance, that they are persons of a regular life, and have suitable acquaintance with the principles of the Christian religion; that that seal be not set to a blank, and that such be not admitted to visible church relation that are manifestly unfit for it.—1735, p. 115.

b. That previously to the administration of baptism, the minister shall inquire into the parents' knowledge of the great and fundamental doctrines of the Gospel, and the regularity of their lives; and being satisfied so as to admit them, shall, in public, point out the special duties of the parents, and particularly that they teach their children the doctrines and precepts of Christianity, contained in the Scriptures of the Old and New Testaments, and comprised in the Westminster Confession of Faith and Catechisms, which therefore he shall recommend unto them.—1755, p. 267.

c. The following reference from the Synod of Philadelphia was laid before the Assembly: As baptism is to be administered to the infants of those who are members of the visible Church (but our Directory leaves the description of the visible and credible profession of Christianity vague and indefinite), it is humbly proposed to the Assembly to give some precise direction and definition of such a profession for the information of its ministers. In answer to the above reference, the Assembly judged it unnecessary, and perhaps impracticable, to deliver rules more explicit than those contained in the Standards of our Church; but should cases of difficulty arise, they must be decided respectively, according to their own merits, before the proper judicatories.—1794, p. 91.

d. Our Confession of Faith recognizes the right to baptism of the infant children only of such parents as are members of the Church.—1843, p. 180, O. S.

2. Parents required to enter into engagements.

The following question, through the Committee of Overtures, was read, viz.:

Whether, besides requiring of parents dedicating their children to God in baptism, an express acknowledgment of the duties of parents, and recommending to them the observance thereof, it should be considered as essential to require that they come under an explicit vow or solemn engagement also to perform those duties? whereupon the Assembly

Resolved, That an answer to this question is contained in the Directory for Public Worship of this Church, under the head of the Administration of Baptism, which requires an express engagement upon the part of parents.—1794, p. 89.

3. Instruction to be given and discipline urged for neglect.

The Committee on Polity reported an overture from the Presbytery of West Virginia, asking the Assembly to appoint a day of fasting, humiliation and prayer, and to take further action, in view of the alleged general and extensive neglect, on the part of church members, of presenting their infant children for baptism.

The Committee recommended the following in answer:

The Assembly cannot regard an extensive neglect of this important

ordinance to be as general as is alleged in the overture; it admits, however, that there may be considerable, and even extensive, neglect in certain sections of the Church. Nevertheless, in view of the vital importance of the subject, it adopts, with some modification, one of the suggestions of the overture, namely, that our Sessions and Presbyteries be enjoined to make careful inquiry in regard to the matter; that they see to it that their pastors carefully instruct their churches on this subject; and also that Sessions be directed to exercise proper discipline when neglect exists and is persisted in. Adopted.—1886, p. 38.

V. Then the minister is to pray for a blessing to attend this ordinance; after which, calling the child by its name, he shall say,

"I baptize thee, in the name of the Father, and of the Son, and of "the Holy Ghost."

As he pronounces these words, he is to baptize the child with water, by pouring or sprinkling it on the face of the child, without adding any other ceremony: and the whole shall be concluded with prayer.

Although it is proper that Baptism be administered in the presence of the congregation: yet there may be cases when it will be expedient to administer this ordinance in private houses; of which the minister is to be the judge.

1. Mode of baptism.

[NOTE.—See in this *Digest*, Confession, Chap. xxviii, Sec. iii, p. 107.]

CHAPTER IX.

OF THE ADMINISTRATION OF THE LORD'S SUPPER.

I. The Communion, or Supper of the Lord, is to be celebrated frequently; but how often, may be determined by the minister and eldership of each congregation, as they may judge most for edification.

1. Where there is no church organized.

It was moved that the restriction laid by the last General Assembly on our missionaries, which confines them to administer the ordinance of the Lord's Supper in such places only where there are church officers regularly appointed, be repealed, and it is hereby repealed accordingly. —1798, p. 146.

2. Not usually in the bounds of a congregation without consent.

While the Assembly, as a general principle, disapprove of the administration of the sacraments, by one of their ministers, within the bounds of a congregation with which he is not connected, without the consent of the minister and Session of said congregation; yet under the peculiar local circumstances of the people among which Mr. Maccalla occasionally administered ordinances, the Assembly cannot decide that he deserves censure. Therefore,

Resolved, That the decision of the Synod of Kentucky, affirming a decision of the Presbytery of Ebenezer in regard to the complaint of the

Rev. Mr. Dobbins, against the Rev. Mr. Maccalla, be, and it hereby is affirmed.—1824, p. 124.

3. Where a minister may statedly preach he may administer the Lord's Supper.

The Judicial Commission appointed to hear and try an appeal and complaint of the church and congregation of Mifflinburg against the action of the Synod of Philadelphia, on the appeal and complaint of the Rev. Isaac Grier, D.D., beg leave to report:

That they have issued the case *pro forma*, according to the directions of the Book of Discipline in the case of appeals and complaints, and after a full hearing, do unanimously adjudge:

1. That the decision of the Synod of Philadelphia, affirming the right of Rev. Mr. Grier to preach in Mifflinburg to the people of his charge, be approved and confirmed.

2. That the restriction preventing him from administering the Lord's Supper in Mifflinburg, except under extraordinary circumstances, be removed.—1870, p. 31.

4. Administered in a private house in sickness.

Overture No. 12, from the Central Presbytery of Philadelphia, asking the Assembly to decide whether, in no case of sickness or of conversion, however peculiar, the Session of the church is not at liberty to administer the Lord's Supper in a private house.

The Committee recommend the following minute:

The Standards of our Church are clear in their teaching, that the Lord's Supper is not to be received by any one alone, yet, in cases of protracted sickness or approaching death, when the desire is very strongly urged by a member of the Church, to enjoy the administration of the Lord's Supper, a pastor, having duly admonished the applicant that such ordinance, however a source of spiritual comfort, is not, in such cases, an imperative duty, or indispensable to salvation, may, with a member of his Session, and such communicants as may appropriately be permitted to partake in such solemnity, proceed to administer this sacrament—a minute of every such act to be entered on the records of Session.

The recommendation was adopted.—1863, p. 37, O. S.

II. The ignorant and scandalous are not to be admitted to the Lord's Supper.

III. It is proper that public notice should be given to the congregation, at least the Sabbath before the administration of this ordinance, and that, either then, or on some day of the week, the people be instructed in its nature, and a due preparation for it; that all may come in a suitable manner to this holy feast.

IV. When the sermon is ended, the minister shall show,

"That this is an ordinance of Christ; by reading the words of institu-
"tion, either from one of the evangelists, or from 1 Cor. xi chapter;
"which, as to him may appear expedient, he may explain and apply;
"that it is to be observed in remembrance of Christ, to show forth his
"death till he come; that it is of inestimable benefit to strengthen his
"people against sin; to support them under troubles; to encourage and

"quicken them in duty; to inspire them with love and zeal; to increase "their faith, and holy resolution; and to beget peace of conscience, and "comfortable hopes of eternal life."

He is to warn the profane, the ignorant, and scandalous, and those that secretly indulge themselves in any known sin, not to approach the Holy Table. On the other hand, he shall invite to this Holy Table, such as, sensible of their lost and helpless state of sin, depend upon the atonement of Christ for pardon and acceptance with God; such as, being instructed in the gospel doctrine, have a competent knowledge to discern the Lord's body; and such as desire to renounce their sins, and are determined to lead a holy and godly life.

1. The ignorant or scandalous excluded.

Such as are found to be ignorant or scandalous, notwithstanding their profession of the faith, and desire to come to the Lord's Supper, may and ought to be kept from that sacrament by the power which Christ hath left in His Church, until they receive instruction, and manifest their reformation.—Larger Catechism, Ques. 173.

2. Not the custom to invite those who have not professed Christ.

Overture No. 42, asking if it accords with the spirit and usage of the Presbyterian Church, to invite persons, believers, not members of any evangelical Church, to partake of the Lord's Supper. The Committee recommend the reply, that "it is not in accordance with the spirit and usage of the Presbyterian Church to extend such invitations." Adopted. —1872, p: 75.

3. Church membership is implied in the invitation to commune.

Overture from the Presbytery of Rochester, asking the question: "Does it comport with the Standards and the usage of the Presbyterian Church to invite persons to the Lord's Supper who are not connected with any branch of the visible Church?" The Committee recommend the following answer: That, according to the action of the General Assembly of 1872 (p. 75), it is not in accordance with the spirit of the Presbyterian Church to extend such an invitation. "The language of the Book (Directory for Worship, Chap. viii [now Chap. ix], Sec. iv), relied upon by some to authorize indiscriminate communion, is not correctly interpreted by them. Although, in describing the persons there invited to the Lord's table, church membership is not expressed, it is clearly implied." Adopted.—1876, p. 79.

4. Baptism with water is essential to communion in the Presbyterian Church.

Overture from the Presbytery of North Texas, asking: 1. Can one be admitted to membership in the Presbyterian Church who has not received water baptism in any mode, and who does not believe in other baptism than the baptism of the Holy Ghost? 2. If not, can such persons—*e. g.*, Quakers—be invited to the Lord's table?

Your Committee most respectfully answer the first question in the negative. And, as an answer to the second question, would refer the Presbytery to the Directory of Worship, Chap. viii [ix], Sec. iv, in regard to the proper qualifications of communicants. Adopted.—1383, p. 627.

5. Communicants' classes commended.

To secure intelligent confession of Christ at His table, it is desirable that there be something of the nature of a communicants' class in each congregation, duly made known from the pulpit, conducted by the pastor, or, in exceptional cases, by a competent member of the church. This class should be, if not continuous, for, say, a month before each communion season; it should be so conducted as to elicit free statements of belief and experience of religious truth and devotional feelings.—1889, p. 63.

V. The table, on which the elements are placed, being decently covered, the bread in convenient dishes, and the wine in cups, and the communicants orderly and gravely sitting around the table (or in their seats before it,) in the presence of the minister; let him set the elements apart, by prayer and thanksgiving.

The bread and wine being thus set apart by prayer and thanksgiving, the minister is to take the bread, and break it, in the view of the people, saying, in expressions of this sort:

"Our Lord Jesus Christ, on the same night in which he was betrayed, "having taken bread, and blessed and broken it, gave it to his disciples; "as I, ministering in his name, give this bread unto you; saying, [here "the bread is to be distributed] Take, eat: this is my body, which is "broken for you: this do in remembrance of me."

After having given the bread, he shall take the cup, and say—

"After the same manner our Saviour also took the cup; and having "given thanks, as hath been done in his name, he gave it to the disci- "ples; saying, [while the minister is repeating these words let him give "the cup] This cup is the new testament in my blood, which is shed for "many, for the remission of sins: drink ye all of it."

The minister himself is to communicate, at such time as may appear to him most convenient.

The minister may, in a few words, put the communicants in mind—

"Of the grace of God, in Jesus Christ, held forth in this Sacrament; "and of their obligation to be the Lord's; and may exhort them to "walk worthy of the vocation wherewith they are called; and, as they "have professedly received Christ Jesus the Lord, that they be careful "so to walk in him, and to maintain good works."

It may not be improper for the minister to give a word of exhortation also to those who have been only spectators, reminding them—

"Of their duty; stating their sin and danger, by living in disobedi- "ence to Christ, in neglecting this holy ordinance; and calling upon "them to be earnest in making preparation for attending upon it, at the "next time of its celebration."

Then the minister is to pray, and give thanks, to God,

"For his rich mercy, and invaluable goodness, vouchsafed to them in "that sacred communion; to implore pardon for the defects of the whole

"service; and to pray for the acceptance of their persons and perform-
"ances; for the gracious assistance of the Holy Spirit, to enable them,
"as they have received Christ Jesus the Lord, so to walk in him; that
"they may hold fast that which they have received, that no man take
"their crown; that their conversation may be as becometh the gospel;
"that they may bear about with them, continually, the dying of the
"Lord Jesus, that the life also of Jesus may be manifested in their mor-
"tal body; that their light may so shine before men, that others, seeing
"their good works, may glorify their Father who is in heaven."

The collection for the poor, and to defray the expense of the elements, may be made after this; or at such other time as may seem meet to the eldership.

Now let a psalm or hymn be sung, and the congregation dismissed, with the following or some other gospel benediction:

"Now the God of peace, that brought again from the dead our Lord
"Jesus, that great Shepherd of the sheep, through the blood of the
"everlasting covenant, make you perfect in every good work to do his
"will, working in you that which is well-pleasing in his sight, through
"Jesus Christ; to whom be glory for ever and ever. *Amen.*"

1. Communion wine, the purest attainable to be used.

a. A memorial from several Presbyteries on communion wine. Your Committee recommend the following answer: That the control of this matter be left to the Sessions of the several churches, with the earnest recommendation that the purest wine attainable be used. Adopted.—1877, p. 542; 1885, p. 685.

b. Asking if the use of fermented wine is necessary to the proper observance of the Lord's Supper, and if our churches are at liberty to use unfermented wine if they can get it. *Answer:* The essential elements of the Lord's Supper are bread and wine. The General Assembly has always recognized the right of each church Session to determine what is bread, and what is wine. In the judgment of the Assembly no new legislation is needed on this subject. Adopted.—1881, p. 548; 1882, p. 57.

2. Unfermented fruit of the vine fulfils every condition.

Resolved, Whereas, it is the duty of the Church of Jesus Christ to avoid even the appearance of evil, and whereas there is a well-grounded belief that danger lies in the use of fermented wine at the communion table, therefore it is the sense of this Assembly that unfermented fruit of the vine fulfils every condition in the celebration of the sacrament.—1895, p. 100.

3. Individual communion cups not approved.

Overture on Individual Communion Cups, from the Presbytery of Winona. The following answer is recommended:

The General Assembly sees no sufficient reason to change the primitive and historic method of administering the Lord's Supper, by the introduction of what is known as "the individual communion cup," and

urges upon its churches not to make this change. Adopted.—1895, p. 75.

4. The number of cups left to the discretion of the Session.

Overture from the Presbytery of Philadelphia, with reference to the number of cups to be used in celebrating the Lord's Supper. It is recommended that the Assembly answer that,

Whereas, The Directory for Worship, Chap. ix, Sec. v, says, "The table on which the elements are placed, being decently covered, the bread in convenient dishes, and the wine in cups, etc."—not the wine in a cup, but "the wine in cups"—therefore

Resolved, That this General Assembly leaves the matter of the number of cups to be used in the celebration of the Lord's Supper to the Sessions of our churches, where it constitutionally belongs. Adopted.—1896, p. 47.

5. No rule as to persons to aid the minister.

Inasmuch as we have no rule in relation to the subject, the matter is referred to the discretion of the Sessions of the churches.—1877, p. 516.

6. Deacons may aid in the distribution of the elements.

It is "in accordance with the Presbyterian law and usage that deacons distribute to the church members the bread and wine in the sacrament of the Lord's Supper."—1874, p. 84.

VI. As it has been customary, in some parts of our Church, to observe a fast before the Lord's Supper; to have a sermon on Saturday and Monday; and to invite two or three ministers on such occasions; and as these seasons have been blessed to many souls, and may tend to keep up a stricter union of ministers and congregations; we think it not improper that they who choose it may continue in this practice.

CHAPTER X.

OF THE ADMISSION OF PERSONS TO SEALING ORDINANCES.

I. Children, born within the pale of the visible Church, and dedicated to God in baptism, are under the inspection and government of the Church; and are to be taught to read and repeat the Catechism, the Apostles' Creed, and the Lord's Prayer. They are to be taught to pray, to abhor sin, to fear God, and to obey the Lord Jesus Christ. And, when they come to years of discretion, if they be free from scandal, appear sober and steady, and to have sufficient knowledge to discern the Lord's body, they ought to be informed it is their duty and their privilege to come to the Lord's Supper.

[NOTE.—See also Book of Discipline, Chap. i, Sec. v, p. 634.]

1. Pastoral care over baptized children.

a. *Whereas*, The Book of Discipline states that children born within the pale of the visible Church, and dedicated to God in baptism, are under the inspection and government of the Church, and specifies various important particulars in which that inspection and government should be exercised, as also directs the mode in which they shall be treated if they do not perform the duties of church members; and whereas, there is reason to apprehend that many of our congregations neglect to catechise the children that have been admitted to the sealing ordinance of baptism, and do not exercise suitable discipline over them; therefore,

Resolved, That the different Presbyteries within our bounds are hereby directed to inquire of the different Sessions whether a proper pastoral care be exercised over the baptized children in their congregations, that they learn the principles of religion, and walk in newness of life before God, and that said Presbyteries do direct all Sessions delinquent in this respect to attend to it carefully and without delay.—1809, p. 431.

b. *Resolved*, That the General Assembly recommend, and they do hereby recommend to the pastors and Sessions of the different churches under their care, to assemble as often as they may deem necessary during the year the baptized children, with their parents, to recommend said children to God in prayer, explain to them the nature and obligations of their baptism, and the relation they sustain to the Church.—1818, p. 691.

2. Discipline of baptized children. The subject postponed.

How far, and in what sense, are persons who have been regularly baptized in infancy, and have not partaken of the sacrament of the Lord's Supper, subject to the discipline of the Church?

Resolved, That the public Standards of this Church contain a sufficient answer to the question stated in the above reference.—1799, p. 171.

[NOTE.—The subject of the disciplining of baptized persons arriving at maturity, not in communion, was before the Assembly in 1811, pp. 468, 475, 480; 1812, p. 509; 1814, pp. 543, 551, when it was referred to a Committee. This Committee was subsequently discharged and the whole subject indefinitely postponed, 1814, p. 567; also 1815, pp. 578, 579. See Moore's *Digest*, 1886, p. 801.]

3. Diligent oversight enjoined in the care of the baptized children.

In consequence of but little being said [in the Presbyterial narratives] in regard to the care and instruction of the baptized children of the Church, the Assembly fears that there is a lamentable deficiency in this respect. Let us, as we value that covenant which makes the promise not only ours but our children's, take a more diligent oversight of these youthful members of our Church. Too often are they left to wander unrestrained and forgotten in the paths of error and of sin. Can the Church answer to her great Head, if this neglect of duty be not mourned over and corrected?—1835, p. 37.

4. The duty of home training urged on the attention of the Church.

Whereas, This Church holds and teaches that "children born within the pale of the visible Church, and dedicated to God in baptism, are under the inspection and government of the Church, and are to be taught to read and repeat the Catechism, the Apostles' Creed, and the Lord's Prayer; they are to be taught to pray, to abhor sin, to fear God, and to obey the Lord Jesus Christ; and when they come to years of discretion,

if they be free from scandal, appear sober and steady, and to have sufficient knowledge to discern the Lord's body, they ought to be informed it is their duty and their privilege to come to the Lord's Supper;" and

Whereas, There seems to be inadequate attention given by parents, pastors and Christians generally to this first and divine provision for the perpetuity, prosperity and extension of the Church; therefore,

Resolved, That the General Assembly hereby specially directs the attention of the whole Church to this momentous subject, in the full assurance that no part of the work of the Church is more fundamental and important than that which is performed in the quietness and sanctity of homes where Christian parents are the divinely chosen and responsible guardians, guides, examples and teachers of their children, in the way of the Lord; and the General Assembly desires that the utmost diligence may be shown in this work; that a generation of God's people, renewed in heart in their infancy, may grow up in the practice of God's worship and service from their earliest years, so that His Church may be more intelligent, zealous, holy and progressive than in any former age.—1875, p. 594.

[NOTE.—See Pastoral Letter on Sabbath-schools, 1878, pp. 95–98.]

5. Children should be trained in the faith of our fathers.

We have two suggestions to make to Christian parents on this general subject. One is, that they cause their children to be brought up in the faith of their fathers. We do not mean by this that our youth should be prevented from following out their honest convictions of duty; but that they should be dissuaded from uniting with other denominations from mere caprice or childish fancies. We consider the conduct of those parents who suffer their children to abandon our own Church without any adequate reason, as in a high degree reprehensible, and calculated to inflict a serious injury both on the Church and on their divided households.—1840, p. 310, O. S.

6. Catechetical instruction enjoined on parents.

It was unanimously *Resolved*, That the Assembly hereby most earnestly remind parents and others of the duty of catechising children and youth, and enjoin this duty upon them, as one whose performance no instruction the children receive in the Sabbath-school or elsewhere, outside the family, can supersede or supply.—1870, p. 123.

7. Family training essential to the increase of the ministry and the Church.

Resolved, That the Assembly regard Christian training at all periods of youth, and by all practicable methods, especially by parents at home, by teachers in institutions of learning, and by pastors through catechetical and Bible classes, as binding upon the Church, according to the injunction, Train up a child in the way he should go, and as having a vital connection with the increase of the numbers and efficiency of the ministry and of the stability and purity of the Church.—1854, p. 30, O. S.

8. Placing children in Catholic schools a violation of covenant engagement.

What course ought church Sessions to pursue with members of the Church who send their children to Catholic boarding-schools, where they are entirely deprived of the evangelical means of grace, and are obliged to attend upon papistical services?

1. *Resolved*, That this Assembly deem such conduct on the part of any Protestant parents, whether church members or not, as highly injudicious, fraught with great danger to their children, and utterly inconsistent with every principle of Protestantism.

2. *Resolved*, That we deem such conduct in church members, whose children have been dedicated to God in baptism, as a violation of their vows made in that ordinance, and a great hindrance to the training up of their children in the nurture and admonition of the Lord.

3. *Resolved*, That it be recommended to all ministers in our connection where such a practice exists, to present this subject from the pulpit, and in other suitable ways to admonish those who offend.—1849, p. 265, O. S.

II. The years of discretion, in young Christians, cannot be precisely fixed. This must be left to the prudence of the eldership. The officers of the church are the judges of the qualifications of those to be admitted to sealing ordinances; and of the time when it is proper to admit young Christians to them.

III. Those who are to be admitted to sealing ordinances, shall be examined as to their knowledge and piety.

1. Universalists not to be admitted to sealing ordinances.

a. A question from the Synod of the Carolinas was introduced as follows, viz.:

Are they who publicly profess a belief in the doctrine of the universal and actual salvation of the whole human race, or of the fallen angels, or both, through the mediation of Christ, to be admitted to the sealing ordinances of the Gospel?

The Assembly determined that such persons should not be admitted.—1792, p. 60.

b. The consideration of Dr. McCorkle's letter was resumed. On the proposition in the letter, requesting a reconsideration of the sentence of the General Assembly, respecting the doctrine of universal salvation, passed at Carlisle in 1792, the Assembly unanimously agreed to adhere to the aforesaid decision.—1794, p. 86.

2. Persons refusing to present their children in baptism not to be refused communion, but the expediency of receiving them to be judged of by the Session.

The Committee appointed on Overture No. 7, from the Session of Union Grove church, Illinois, made the following report, which was adopted, viz.:

That two questions are submitted in this overture to the judgment of the Assembly, viz.:

1. Is it the duty of church Sessions to admit to membership persons who refuse to present their children to God in the ordinance of baptism?

2. What is the duty of the Session in case of parents, members of the church, who refuse from conscientious scruples to present their children for baptism?

For a reply to these questions, the Session are referred to the *Digest*, Part iv, Chap. ii, Sec. vii, p. 98, where the decision of the Assembly on the principle involved in both is recorded as follows:

A letter also came through the Committee of Overtures, from Bethuel

Church, Esq., inquiring whether he may be admitted to occasional communion, whilst he has scruples concerning infant baptism.

The letter from Bethuel Church, Esq., as overtured, was read, and the motion formerly made thus amended: That the Session of the church of Cambridge be permitted to receive Mr. Church upon satisfactory evidence of his good character, his scruples notwithstanding, was taken up and agreed to.

But while it is clear, that persons otherwise of good Christian character, are not to be excluded from the communion of the church, because they have scruples concerning infant baptism, there is in every case, where such persons apply for admission, a question as to the expediency of receiving them, upon which the Session of the church must decide. —1834, p. 449.

3. Duelists to be received only on evidence of repentance.

Resolved, also, That it be, and it is hereby recommended to all the ministers under the care of the Assembly, that they scrupulously refuse to attend the funeral of any person who shall have fallen in a duel: and that they admit no person who shall have fought a duel, given or accepted a challenge, or been accessory thereto, unto the distinguishing privileges of the Church until he manifest a just sense of his guilt, and give satisfactory evidence of repentance.—1805, p. 339.

4. Postmasters officiating on the Sabbath.

a. An appeal by Mr. Wiley, postmaster in Washington, Pa., from a decision of the Synod of Pittsburgh, by which it is determined that Mr. Wiley's officiating as postmaster on the Sabbath day, in existing circumstances, is a sufficient reason to exclude him from the special privileges of the Church, was overtured and read.

Resolved, That the above decision of the Synod of Pittsburgh be affirmed.—1810, p. 456.

b. A petition signed by a number of persons in Washington, Pa., and vicinity, praying the revision, with a view to its being rescinded, of the decision of the General Assembly of 1810, respecting the case of Mr. Wiley, postmaster, was overtured.

Resolved, That the prayer of the petitioners be not granted.—1812, p. 508.

5. Proprietor of mail stages running on the Sabbath.

An overture relative to receiving a person as a member of the Church who is a proprietor in a line of stages which carries the mail, and runs on Sabbath.

Resolved, That it is the decided opinion of this Assembly that all attention to worldly concerns on the Lord's day, further than the works of necessity and mercy demand, is inconsistent both with the letter and spirit of the fourth commandment; and consequently all engagements in regard to secular occupations on the Lord's day, with a view to secure worldly advantages, are to be considered inconsistent with Christian character, and that those who are concerned in such engagements ought not to be admitted into the communion of the Church while they continue in the same.—1819, p. 713.

6. Persons engaged in the sale of intoxicating drinks.

[Note.—See No. 12 (*b*), p. 624, and Nos. 1 and 2, p. 631.]

7. Subjection to the discipline of the Church requisite.

Is a church Session authorized by the principles laid down in the Confession of Faith, to admit individuals to the Lord's table, who do not subscribe to the doctrines and submit to the discipline of the Church?

There can be no doubt that all persons admitted to the communion of the Presbyterian Church do in fact and form submit to its discipline (except in cases of occasional communion by members of other churches); but every Session must judge for themselves of that degree of knowledge of Christian doctrine and adherence thereto on the part of those examined by them which may render their reception suitable, and for their own edification and the peace of the Church.—1853, p. 434, O. S.

8. To be admitted only by a Session regularly constituted.

[Note.—See under Form of Government, Chap. ix, Sec. vi, p. 168.]

9. The Session the judge of the qualification of candidates for membership.

Has a Session or church constitutional power, in examining a candidate for membership, to require abstinence from any error, practice or custom, which the members adjudge to be sinful, and decidedly injurious to personal piety, and to the interests of the Church of Christ? And, if they have this power, then is it expedient to admit persons to membership who practice and defend promiscuous dancing, card-playing, and the use, manufacture and sale of intoxicating drinks as a beverage?

The Committee recommended the following answer:

It is the province of the Session to judge of the qualifications of candidates for membership in the church. For their guidance in the matters noticed in the overture, reference is made to past acts of the Assembly found in the *Digest* (Moore, 1861), Chap. vii, on "Moral Questions," Secs. iii, iv and v.

The report was adopted.—1864, p. 510, N. S.

[Note.—See also No. 3, p. 609.]

10. Question as to the baptism of a member of the Friends' Society.

Overture No. 7, from the Presbytery of St. Clairsville. Would it be consistent for a minister of the Presbyterian Church to administer the ordinance of baptism to a member of the Friends' Society, who professes to believe that "Jesus is the Son of God" and the essential doctrines of the Christian religion, but declares his intention to continue his connection with the Friends' Society?

The Committee on Bills and Overtures reported a recommendation that the inquirers be referred to the answers in the Larger and Shorter Catechisms, to the question, "To whom is baptism to be administered?"

The report was adopted.—1864, p. 314, O. S.

11. Intercommunion with those who maintain an irregular ministry discouraged.

The Committee on Overture No. 3, viz., a question from the Presbytery of Bethel, respecting holding communion with the followers of William C. Davis, a deposed minister, and calling themselves Independent Presbyterians, reported, that in their judgment the questions proposed in said overture ought to be answered in the negative. They therefore would recommend the adoption of the following resolution, viz.:

Resolved, That while this Assembly readily acknowledges the right of

the Session to determine according to the Scriptures and the Constitution of our Church, the qualifications for admission to sealing ordinances, yet they feel it to be their duty to declare that, in their judgment, the services of those who have received only lay ordination, and of those who have been deposed from the Gospel ministry, are unscriptural and unwarrantable; and therefore an attendance on their ministrations cannot be in the order of the Gospel, and ought to be discouraged and discountenanced by every friend of the Redeemer's kingdom.—1833, p. 407.

12. Polygamists cannot be received into the Church while remaining in that relation.

No. 14, from the Presbytery of Kolapore, asking for an answer to the following questions, namely:

Can a man who, before his conversion from heathenism, had been the husband of two wives, each the mother of several children, and with whom he continues to live in apparent harmony, be received into the Christian Church while retaining them both, or should he be required to separate from one of them? In the latter case, from which ought he to separate? and why should he be separated from her?

The Committee report that they have given the subject the most careful consideration, and have called before them all the foreign missionaries in attendance on the Assembly, and fully consulted with them. As the result of all their deliberations, the Committee recommend that the following answer be returned:

Under the light of the Gospel no man may marry a second wife while his first is living without offending against the law of Christ. Such a relation, although it may be justified by human law and entered into in ignorance of the truth, cannot be perpetuated by one who has become a follower of Christ; neither can it be justified by His Church. Converts from heathenism should be treated very tenderly in this most painful situation, and yet they should be dealt with in all fidelity; and, when a converted man is called on to separate from all but his first and only wife, he should be enjoined to make suitable provision for her that is put away, and for her children, if she have any, to the full extent of his ability. The report was unanimously adopted.—1875, p. 507.

[Note.—See Confession of Faith, Chap. xxiv, Sec. i, p. 93.]

13. Examination of candidates ought ordinarily to be in the presence of the Session.

"Overture from the Presbytery of Troy, asking: "Must the examination of candidates for admission to the sealing ordinances spoken of in Chap. ix, Sec. iii, of the Directory for Worship, be in the presence of the Session? Or may it be conducted by the pastor or a Committee, and the result be reported to the Session to guide them in their action?"

Your Committee recommend the following action: Inasmuch as the members of the Session are the judges of the qualifications of those to be admitted to sealing ordinances, and the reception of such is their act, the examination of candidates ought manifestly to be in their presence, unless in special cases of sickness or other hindrance, when this duty may be performed by a Committee, under direction of the Session (See Moore's *Digest*, p. 130). Adopted.—1885, p. 638.

IV. When unbaptized persons apply for admission into the Church, they shall, in ordinary cases, after giving satisfaction with respect to their knowledge and piety, make a public profession of their faith, in the presence of the congregation; and thereupon be baptized.

1. Baptism may follow upon a general profession of faith.

The Committee on the Polity of the Church reported an answer to the following inquiry:

"Is it forbidden by our Standards to baptize adult converts upon a general confession of faith in Christ, previous to their being received into a particular church, and assenting to its articles of faith?" as follows, viz.:

A profession of faith in Christ and obedience to Him is all that is required in our Standards of those who are out of the visible Church, in order to their being baptized (see Confession of Faith, Chap. xxviii, Sec. iv; Larger Catechism, Ques. 166; Shorter Catechism, Ques. 95).

Hence, cases may occur in which, as in the case of Philip and the Ethiopian eunuch, it may be proper to baptize a person who does not expect immediately to connect himself with any particular Church. But inasmuch as it was the obvious intent of the Saviour that all His disciples should be associated in local churches, and inasmuch as we cannot obey one of His commandments, that requiring us to remember Him at His table, without such connection: therefore, your Committee believe that in no ordinary circumstances can a person give good evidence of a readiness to obey Christ in all things, who, having the opportunity, does not connect himself with some particular branch of the visible body of Christ. In the practice of our Church, and according to her Standards, baptism is manifestly regarded as a part of the general profession of faith in, and obedience to, Christ, which constitute his initiation into the visible Church, and into some particular branch of it; and in no ordinary case ought the several parts of this solemn profession to be separated.—1860, p. 244, N. S.

[NOTE.—See Form of Government, Chap. ix, Sec. vi, pp. 166, 167.]

2. An excommunicated member, if restored, is not to be rebaptized.

A question by the Presbytery of Holston, whether the excommunication of a church member vitiates his baptism, and, on being restored, shall he be rebaptized? Both questions answered in the negative.—1881, p. 586.

3. To admit to sealing ordinances belongs exclusively to the Session. Forms of admission.

Overture No. 38, from the Presbytery of Brooklyn, on the methods of receiving members to the communion of our churches and urging the importance of uniformity in these methods, as well as calling attention to "serious and hurtful evils" growing out of a disregard of the teachings of our Standards on this subject.

The following answer is recommended by the Committee:

1. That the admission of persons to sealing ordinances is confided, by the Form of Government, really and exclusively to the church Session.

2. That any forms, for publicly recognizing those who have been thus

admitted to sealing ordinances, should keep in view the principle thus declared, and should give effect to the distinction, so clearly laid down by our Standards, between admitting the children of the Church to the Lord's table, and the unbaptized to membership in the Church.—1872, p. 89.

[Note.—See under Form of Government, Chap. ix, Sec. vi, p. 168.]

CHAPTER XI.

OF THE MODE OF INFLICTING AND REMOVING CENSURES.

[Note.—See for cases, Confession of Faith, Chap. xxx, p. 110, Form of Government, pp. 206–212, and 536, and Book of Discipline, pp. 657 to 662.]

I. The power which Christ has given the rulers of his Church is for edification, and not destruction. When, therefore, a communicant shall have been found guilty of a fault deserving censure, the judicatory shall proceed with all tenderness, and restore the offending brother in the spirit of meekness, its members considering themselves, lest they also be tempted. Censure ought to be inflicted with great solemnity: that it may be the means of impressing the mind of the delinquent with a proper sense of his sin; and that, with the divine blessing, it may lead him to repentance.

II. When the judicatory has resolved to pass sentence, suspending a communicant from church privileges, the Moderator shall pronounce the sentence in the following form:

"Whereas you have been found guilty [*by your own confession, or by "sufficient proof, as the case may be*] of the sin of [*here mention the "particular offence*], we declare you suspended from the sacrament of "the Lord's Supper, till you give satisfactory evidence of repentance."

To this shall be added such advice, admonition, or rebuke, as may be judged necessary; and the whole shall be concluded with prayer to Almighty God, that he would follow this act of discipline with his blessing. In general such censure should be inflicted in the presence of the judicatory only; but, if the judicatory think it expedient to rebuke the offender publicly, this solemn suspension may be in the presence of the church.

III. After a person has been thus suspended, the minister and elders should frequently converse with him, as well as pray for him in private, that it would please God to give him repentance. And, particularly on days preparatory to the dispensing of the Lord's Supper, the prayers of the church should be offered up for those who have shut themselves out from this holy Communion.

IV. When the judicatory shall be satisfied as to the reality of the repentance of any suspended member, he shall be allowed to profess his repentance, and be restored to fellowship, in the presence of the Session, or of the church.

V. When a suspended person has failed to manifest repentance for his offence, and has continued in obstinate impenitence not less than a year, it may become the duty of the judicatory to excommunicate him without further trial. The design of excommunication is to operate upon the offender as a means of reclaiming him, to deliver the Church from the scandal of his offence, and to inspire all with fear by the example of his punishment.

VI. When a judgment of excommunication is to be executed, with or without previous suspension, it is proper that the sentence be publicly pronounced against the offender.

The minister shall, therefore, at a regular meeting of the church, make a brief statement of the several steps which have been taken, with respect to the offender, announcing that it has been found necessary to excommunicate him.

He shall begin by showing (from Matt. xviii. 15, 16, 17, 18; 1 Cor. v. 1, 2, 3, 4, 5) the power of the Church to cast out unworthy members, and shall briefly explain the nature, use, and consequences of this censure.

Then he shall pronounce the sentence in the following or like form, viz.:

"Whereas A. B. hath been, by sufficient proof, convicted of [*here insert the sin*], and after much admonition and prayer refuseth to hear the Church, and hath manifested no evidence of repentance; therefore, in the name, and by the authority, of the Lord Jesus Christ, I pronounce him to be excluded from the communion of this Church."

After which, prayer shall be made for the conviction and reformation of the excommunicated person, and for the establishment of all true believers.

But the judicatory may omit the publication of the excommunication, when it judges that there is sufficient reason for such omission.

VII. When an excommunicated person shall be so affected by his state as to be brought to repentance, and desires to be readmitted to the privileges of the Church, the Session of the church which excommunicated him, having obtained, and placed on record, sufficient evidence of his sincere repentance and deep contrition, shall proceed to restore him, recording, in explicit terms, the grounds on which such conclusion has been reached.

The sentence of restoration shall be pronounced by the minister, at a regular meeting of the church on the Lord's day, in the following words:

"Whereas A. B. has been excluded from the communion of the Church, but has now given satisfactory evidence of repentance; in the name of the Lord Jesus Christ, and by his authority, I declare him

absolved from the sentence of excommunication formerly pronounced against him; and I do restore him to the communion of the Church, that he may be a partaker of all the benefits of the Lord Jesus, to his eternal salvation."

After which, he shall be commended to God in prayer.

VIII. Censures, other than suspension from church privileges, or excommunication, shall be inflicted in such mode as the judicatory may direct.

CHAPTER XII.

OF THE SOLEMNIZATION OF MARRIAGE.

I. Marriage is not a Sacrament; nor peculiar to the Church of Christ. It is proper that every commonwealth, for the good of society, make laws to regulate marriage; which all citizens are bound to obey.

II. Christians ought to marry in the Lord: therefore it is fit that their marriage be solemnized by a lawful minister; that special instruction may be given them, and suitable prayers made, when they enter into this relation.

1. Marriage solemnized by licentiates.

That while our Form of Government does not recognize licentiates as ministers of the Gospel, yet this Assembly do not consider them as violating any rules of the Church by solemnizing marriage in those States where the civil laws expressly authorize them to do it.—1844, p. 377, O. S.

2. Marrying in the Lord defined.

It is lawful for all sorts of people to marry who are able with judgment to give their consent, yet it is the duty of Christians to marry only in the Lord. And, therefore, such as profess the true reformed religion should not marry with infidels, papists or other idolaters: neither should such as are godly be unequally yoked, by marrying with such as are notoriously wicked in their life, or maintain damnable heresies.—Confession of Faith, Chap. xxiv, iii.

III. Marriage is to be between one man and one woman only: and they are not to be within the degrees of consanguinity or affinity prohibited by the word of God.

[Note.—See Confession of Faith, Chap. xxiv, Sec. iv, pp. 93–96.]

IV. The parties ought to be of such years of discretion as to be capable of making their own choice: and if they be under age, or live with their parents, the consent of the parents or others, under whose care they are, ought to be previously obtained, and well certified to the minister, before he proceeds to solemnize the marriage.

1. Clandestine marriage discouraged.

The Synod do recommend it to all their members to use the greatest caution that they do not countenance any clandestine marriages, and especially that they do not marry any that they have reason to suspect to go contrary to the minds of their parents and guardians in seeking it.—1735, p. 115.

V. Parents ought neither to compel their children to marry contrary to their inclinations, nor deny their consent without just and important reasons.

VI. Marriage is of a public nature. The welfare of civil society, the happiness of families, and the credit of religion, are deeply interested in it. Therefore the purpose of marriage ought to be sufficiently published a proper time previously to the solemnization of it. It is enjoined on all ministers to be careful that, in this matter, they neither transgress the laws of God, nor the laws of the community: and that they may not destroy the peace and comfort of families, they must be properly certified with respect to the parties applying to them, that no just objections lie against their marriage.

1. Publication of purpose of marriage.

What is a sufficient publication of the purpose of marriage according to the second sentence of the sixth section of the eleventh chapter of the Book of Discipline?

Resolved, That the following be given as an answer to this question, viz.: That the Presbyteries are the best judges in the case.—1820, p. 740.

2. Caution enjoined in solemnizing marriages.

Overture from the Presbytery of Monroe requesting that, in view of the great evils resulting from the frequency of divorce, and the ease with which it is obtained, ministers be enjoined to use great caution in performing the marriage ceremony, and in all cases refuse when either of the parties has been divorced for any other than Scriptural reasons.

The Assembly cannot too emphatically pronounce its condemnation upon the loose views and practices so alarmingly prevalent in our day, on the subject of marriage and divorce, nor too earnestly call upon its ministers and people to use their influence, both by precept and example, for the promotion of a healthier moral sentiment in the community on this subject. The formation of the marriage relation is attended with the gravest responsibility, and "nothing but adultery, or such willful desertion as can no way be remedied by the Church or civil magistrates" (Confession of Faith, Chap. xxiv, Sec. vi), can warrant its rupture by any human authority. Let, therefore, the pulpit and the religious press, as well as parents, teachers and others, instruct and warn the young concerning these great evils and dangers. And our ministers are urged to the greatest possible care that "they neither transgress the laws of God nor the laws of the community" in marrying persons who have been divorced on grounds not warranted in the sacred Scriptures, or any other persons whose lawful right may be justly called in question (Directory for Worship, Chap. xii, Sec. vi). Nor may we, as conservators of the public morals, omit to appeal to the Legislatures of our

several States for the enactment of such laws of marriage, license, registration and other regulations as will at once protect the rights of ministers, parents and society, as well as guard against hasty and improper marriages, and so take away, to a great extent, occasion for divorce. Adopted.—1885, p. 639.

[NOTE.—See Confession of Faith, Chap. xxiv, Sec. vi, p. 96.]

VII. Marriage must always be performed before a competent number of witnesses; and at any time, except on a day of public humiliation. And we advise that it be not on the Lord's Day. And the minister is to give a certificate of the marriage when required.

VIII. When the parties present themselves for marriage, the minister is to desire, if there is any person present who knows any lawful reason why these persons may not be joined together in the marriage relation, that they will now make it known, or ever after hold their peace.

No objections being made, he is then severally to address himself to the parties to be married, in the following or like words:

"You, the man, declare in the presence of God, that you do not "know any reason, by precontract or otherwise, why you may not law- "fully marry this woman."

Upon his declaring he does not, the minister shall address himself to the bride, in the same or similar terms:

"You, the woman, declare in the presence of God, that you do not "know any reason, by precontract or otherwise, why you may not law- "fully marry this man."

Upon her declaring she does not, he is to begin with prayer for the presence and blessing of God.

The minister shall then proceed to give them some instruction from the scriptures, respecting the institution and duties of this state, showing—

"That God hath instituted marriage for the comfort and happiness of "mankind, in declaring a man shall forsake his father and mother, and "cleave unto his wife; and that marriage is honorable in all; that he "hath appointed various duties, which are incumbent upon those who enter "into this relation; such as, a high esteem and mutual love for one "another; bearing with each other's infirmities and weaknesses, to which "human nature is subject in its present lapsed state; to encourage each "other under the various ills of life; to comfort one another in sickness; "in honesty and industry to provide for each other's temporal support; to "pray for and encourage one another in the things which pertain to God, "and to their immortal souls; and to live together as the heirs of the "grace of life."

Then the minister shall cause the bridegroom and bride to join their hands, and shall pronounce the marriage covenant, first to the man, in these words:

"You take this woman, whom you hold by the hand, to be your law-

" ful and married wife; and you promise, and covenant, in the presence " of God and these witnesses, that you will be unto her a loving and " faithful husband, until you shall be separated by death."

The bridegroom shall express his consent, by saying, " Yes, I do."

Then the minister shall address himself to the woman, in these words:

" You take this man, whom you hold by the hand, to be your lawful " and married husband; and you promise, and covenant, in the presence " of God and these witnesses, that you will be unto him a loving, faith- " ful, and obedient wife, until you shall be separated by death."

The bride shall express her consent, by saying, " Yes, I do."

Then the minister is to say,

" I pronounce you husband and wife, according to the ordinance of " God; whom therefore God hath joined together let no man put asunder."

After this the minister may exhort them in a few words, to the mutual discharge of their duty.

Then let him conclude with prayer suitable to the occasion.

Let the minister keep a proper register for the names of all persons whom he marries, and of the time of their marriage, for the perusal of all whom it may concern.

CHAPTER XIII.

OF THE VISITATION OF THE SICK.

I. When persons are sick, it is their duty, before their strength and understanding fail them, to send for their minister, and to make known to him, with prudence, their spiritual state; or to consult him on the concerns of their precious souls. And it is his duty to visit them, at their request, and to apply himself, with all tenderness and love, to administer spiritual good to their immortal souls.

II. He shall instruct the sick out of the Scriptures, that diseases arise not out of the ground, nor do they come by chance; but that they are directed and sent by a wise and holy God, either for correction of sin, for the trial of grace, for improvement in religion, or for other important ends: and that they shall work together for good to all those who make a wise improvement of God's visitation, neither despising his chastening hand, nor fainting under his rebukes.

III. If the minister finds the sick person to be grossly ignorant, he shall instruct him in the nature of repentance and faith, and the way of acceptance with God, through the mediation and atonement of Jesus Christ.

IV. He shall exhort the sick to examine himself; to search his heart, and try his former ways, by the word of God; and shall assist him, by mentioning some of the obvious marks and evidences of sincere piety.

V. If the sick shall signify any scruple, doubt, or temptation, under which he labors, the minister must endeavor to resolve his doubts, and administer instruction and direction, as the case may seem to require.

VI. If the sick appear to be a stupid, thoughtless, and hardened sinner, he shall endeavor to awaken his mind; to arouse his conscience; to convince him of the evil and danger of sin; of the curse of the law, and the wrath of God due to sinners; to bring him to an humble and penitential sense of his iniquities; and to state before him the fullness of the grace and mercy of God, in and through the glorious Redeemer; the absolute necessity of faith and repentance, in order to his being interested in the favor of God, or his obtaining everlasting happiness.

VII. If the sick person shall appear to have knowledge, to be of a tender conscience, and to have been endeavoring to serve God in uprightness, though not without many failings and sinful infirmities; or if his spirit be broken with a sense of sin, or through apprehensions of the want of the divine favor; then it will be proper to administer consolation and encouragement to him, by setting before him the freeness and riches of the grace of God, the all-sufficiency of the righteousness of Christ, and the supporting promises of the gospel.

[NOTE.—For cases where it may be proper to administer the Lord's Supper in the sick chamber, see Directory for Worship, Chap. ix, Sec. i, 4, p. 850.]

VIII. The minister must endeavor to guard the sick person against ill-grounded persuasions of the mercy of God, without a vital union to Christ; and against unreasonable fears of death, and desponding discouragements; against presumption upon his own goodness and merit, upon the one hand, and against despair of the mercy and grace of God in Jesus Christ, on the other.

IX. In one word, it is the minister's duty to administer to the sick person instruction, conviction, support, consolation, or encouragement, as his case may seem to require.

At a proper time, when he is most composed, the minister shall pray with and for him.

X. Lastly, the minister may improve the present occasion to exhort those about the sick, to consider their mortality; to turn to the Lord and make their peace with him; in health to prepare for sickness, death, and judgment.

CHAPTER XIV.

OF THE BURIAL OF THE DEAD.

I. When any person departs this life, let the corpse be taken care of in a decent manner; and be kept a proper and sufficient time before interment.

II. When the season for the funeral comes, let the dead body be decently attended to the grave, and interred. During such solemn occasions, let all who attend conduct themselves with becoming gravity; and apply themselves to serious meditation or discourse: and the minister, if present, may exhort them to consider the frailty of life, and the importance of being prepared for death and eternity.

1. Carousing and ostentatious parades discountenanced.

That as the too great use of spirituous liquors at funerals in some parts of the country is risen to such a height as greatly to endanger the morals of many, and is the cause of much scandal, the Synod earnestly enjoin, that the several Sessions and committees shall take the most effectual methods to correct these mischiefs, and discountenance by their example and influence all approaches to such practices and all ostentatious and expensive parades, so inconsistent with such mortifying and distressing occasions.—1766, p. 359.

CHAPTER XV.

OF FASTING, AND OF THE OBSERVATION OF THE DAYS OF THANKSGIVING.

I. There is no day under the gospel commanded to be kept holy, except the Lord's Day, which is the Christian Sabbath.

II. Nevertheless, to observe days of fasting and thanksgiving, as the extraordinary dispensations of divine providence may direct, we judge both scriptural and rational.

1. The duty of fasting.

We will further observe, that the duty of fasting, as united with prayer, appears to be too much disregarded, if not entirely neglected by many Christians of the present day. We agree with our fathers of the Reformation, that the appointment of annual or stated fasts is not authorized under the Gospel dispensation; but occasional fasting, both public and private, such as is called for by peculiar circumstances, or by the dispensations of heaven, are still among the appointed means of grace,

and form an important part of Christian duty. Our Saviour said, the children of the bride-chamber would fast when the bridegroom was taken from them; surely such a dispensation as we have lately witnessed should lead those children to fast.—1838, p. 50, O. S.

2. Churches should observe days appointed by the local authorities.

In this connection, the Committee further recommend that this Assembly sanction and approve the practice of particular churches observing, with appropriate worship, days of thanksgiving, recommended in proclamation by the governors of commonwealths in which they are located.

The recommendations were adopted.—1849, p. 266, O. S.

III. Fasts and thanksgivings may be observed by individual Christians; or families, in private; by particular congregations; by a number of congregations contiguous to each other; by the congregations under the care of a Presbytery, or of a Synod; or by all the congregations of our Church.

IV. It must be left to the judgment and discretion of every Christian and family to determine when it is proper to observe a private fast or thanksgiving; and to the church Sessions to determine for particular congregations; and to the Presbyteries or Synods to determine for larger districts. When it is deemed expedient that a fast or thanksgiving should be general, the call for them must be judged of by the Synod or General Assembly. And if at any time the civil power should think it proper to appoint a fast or thanksgiving, it is the duty of the ministers and people of our communion, as we live under a Christian government, to pay all due respect to the same.

DAYS OF FASTING APPOINTED BY THE SUPREME JUDICATORY.

1. Upon the occasion of the French War.

a. The Synod, under a sense of the present distressed and calamitous state of the country, do agree that they will recommend to all their congregations to unite in observing the last Thursday of October instant, as a day of public humiliation, fasting and prayer.—Synod of New York, 1756, p. 276.

b. In 1758 the reunited Synod recommended that a day of fasting and prayer be observed by all the congregations under our care to deprecate the wrath of God, to pray for a blessing on his majesty's armaments by sea and land, in order to procure a lasting and honorable peace.—1758, p. 290; also 1760, p. 305, and 1761, p. 310.

2. On the war with Spain.

[NOTE.—See *Minutes*, 1762, p. 315. *Digest*, 1886, p. 827.]

3. On account of trouble with England.

[NOTE.—See *Minutes*, 1774, p. 460; 1775, p. 465; 1777, p. 478; 1778, p. 481; 1779, p. 483; 1780, p. 488. *Digest*, 1886, pp. 827, 828.]

4. Before the second war with England.

[NOTE.—See *Minutes*, 1808, p. 409. *Digest*, 1886, p. 828.]

5. During the war with England.

[NOTE.—See *Minutes*, 1812, p. 497; 1813, p. 524; 1814, p. 572. *Digest*, 1886, p. 828.]

6. On the outbreak of the Civil War.

a. Gratefully acknowledging the distinguished bounty and care of Almighty God toward this favored land, and also recognizing our obligations to submit to every ordinance of man for the Lord's sake, this General Assembly adopt the following resolutions:

Resolved, 1. That in view of the present agitated and unhappy condition of this country, the first day of July next be hereby set apart as a day of prayer throughout our bounds, and that on this day ministers and people are called on humbly to confess and bewail our national sins; to offer our thanks to the Father of light for His abundant and undeserved goodness toward us as a nation; to seek His guidance and blessing upon our rulers and their counsels, as well as on the Congress of the United States about to assemble; and to implore Him, in the name of Jesus Christ, the great High Priest of the Christian profession, to turn away His anger from us, and speedily restore to us the blessings of an honorable peace.

Resolved, 2. That this General Assembly, in the spirit of that Christian patriotism which the Scriptures enjoin, and which has always characterized this Church, do hereby acknowledge and declare our obligations to promote and perpetuate, so far as in us lies, the integrity of these United States, and to strengthen, uphold and encourage the Federal Government in the exercise of all its functions under our noble Constitution; and to this Constitution in all its provisions, requirements and principles we profess our unabated loyalty.

And to avoid all misconception, the Assembly declare that by the terms "Federal Government," as here used, is not meant any particular administration, or the peculiar opinions of any particular party, but that central administration, which being at any time appointed and inaugurated according to the forms prescribed in the Constitution of the United States, is the visible representative of our national existence.

This paper was adopted by the following vote: yeas 156, nays 66.—1861, p. 329, O. S.

b. In view of the turbulence and the menace of our times, the drear inauguration of civil war, and the prospect of its ravages of physical and moral desolation in our country,

Resolved, 1. That we acknowledge the agency and the just judgments of our God in all this and would humble ourselves before Him with the prayer—O Lord, in wrath remember mercy! spare Thy people, and restore peace in all our borders!

Resolved, 2. That Friday, June 28, be appointed, in these national and solemn relations, as a day of fasting, humiliation and prayer before God, to confess our sins, to supplicate His mercy and gracious return to us, almighty to save; and especially that He would prepare the members of both houses of Congress, so soon to convene, in this crisis of our affairs, for all their duties, with wisdom, piety and patriotic sincerity of devotion to the good of our one great nation; and that He would bless our President and his Cabinet, our army and our navy, and order all the operations of this new and dreadful war, for His own glory, the prosperity of His own Zion, and the ultimate good of our country for this and all coming ages.—1861, p. 464, N. S.

7. On account of the profanation of the Sabbath.

The Committee appointed to consider the measures proper to be adopted to promote the sanctification of the Sabbath made a report, which, being read and amended, was adopted, and is as follows, viz.:

Resolved, That the second Thursday of November next be and it hereby is recommended to be observed as a day of fasting, humiliation and prayer on account of the sin which rests upon the Church and on the whole land by the profanation of the Sabbath; and that it be given in charge to all Synods and Presbyteries in our connection, to take such order on this subject as may be most effectual in securing the observance of that day by the churches.—1830, p. 302.

8. For the conversion of the world.

The Committee to whom was referred Overture No. 11, viz.: "On the appointment of a day of prayer for the conversion of the world," made the following report, which was unanimously adopted, viz.:

It being understood that Christians and churches, both in this country and in Europe, have at different times desired the public designation of a day to be observed by all Christians throughout the world as a day of fasting and prayer for the outpouring of the Holy Spirit on the whole family of man, and this Assembly being deeply impressed with the importance and high privilege of such an observance, and feeling urged and encouraged to more importunate supplications in view of the recent revivals of religion in this land, as well as the signs of the present time in relation to the prospects of the Church in other nations, therefore,

Resolved, That it be recommended to the ministers and churches under the supervision of the General Assembly of the Presbyterian Church in the United States, and of the churches in correspondence with the same, to observe the first Monday in January, 1833, as a day of fasting and prayer for the divine blessing on the ministry of the Gospel throughout the world, for the revival of religion in the whole of Christendom, and for the entire success of those benevolent enterprises which have for their object the world's conversion to God.

Resolved, That other denominations of Christians in the United States, and the Christian Churches in all other countries, be, and they hereby are affectionately, and with Christian salutations, invited to concur in the observance of the day above specified.

Resolved, That these resolutions be published with the signature of the Moderator and Clerk of the General Assembly for the information of such Synods, Assemblies, Associations, Conferences, Conventions and other ecclesiastical bodies as may choose to recommend the above observance to the churches under their care. And may grace, mercy and peace be multiplied to all throughout the world who love our Lord Jesus Christ.—1832, p. 365.

[NOTE.—See also *Minutes* of 1833, pp. 397–399. It became thenceforth a custom for the Assembly to designate the first Monday in January of each year as a day of fasting and prayer for the conversion of the world, and to recommend the last Thursday in February as a day of prayer for colleges, theological seminaries and other institutions of learning. See *Minutes, passim*, and below, the Week of Prayer.]

9. The Week of Prayer. The first entire week in January.

a. On the appointment of a concert of prayer for the conversion of the world.

This overture is based upon a proposal from the missionary brethren of

Northern India to observe the second Monday of January, 1860, and the succeeding week, as a season of special prayer all over the globe for the conversion of the world. This General Assembly cordially sympathize with the object contemplated, as it implies the desire that Christians everywhere may more directly regard the missionary and aggressive character of our faith, as it tends to call forth their affections toward each other, and toward a perishing world; and especially as it recognizes the great truth of our dependence upon divine power for the success of the Gospel.

We, therefore, recommend to the churches under our care to observe the time thus specified in such manner as the various Sessions or Presbyteries may direct. Adopted.—1859, p. 532, O. S.

[NOTE.—See also 1860, p. 21, O. S.; 1861, p. 335, O. S.: 1862, p. 620, O. S; and annually to 1867.]

b. In 1861, p. 469, the Assembly, N. S., appointed the first week in December "as a season of special prayer for the outpouring of the Spirit on our congregations, and in special religious services calculated to edify the saints and lead sinners to Christ." In 1862, p. 16, the Assembly recommends "that another week of prayer be observed during the coming ecclesiastical year; but that the time be changed so as to correspond with that recommended first by the Lodiana Mission—the first entire week in January."

[NOTE.—See also 1863, p. 277, N. S.; 1864, p. 432, N. S.: annually thereafter to 1869.]

c. The observance of the first week of each new year, as a special season of united supplication throughout the Christian world, has already been attended and followed by results too grand to allow of a question as to its claims upon our churches.—1872, p. 94.

[NOTE.—Continuous until 1887. In 1888, p. 56, an overture was received urging a change of time for the observance of the Week of Prayer.]

d. That it be considered inexpedient for the Assembly to recommend the observance of any special time as a Week of Prayer, inasmuch as the arrangements for such an observance have been, for years, practically under the direction of the Evangelical Alliance, and may safely and wisely be left to its further care.

It is also recommended that, in furtherance of the aim set forth in this overture, the Stated Clerk be requested to communicate with the Evangelical Alliance in reference to a change of time for the Week of Prayer, and a thorough revision of the topics presented for consideration, giving special emphasis to the interests of Foreign Missions.—1888, p. 56; 1891, p. 182.

e. Overture from the Presbytery of Carlisle, on the observance of a week of prayer. Recommended, That in the observance of this special season of prayer, the General Assembly urge upon the churches the more general return in their observance to the original idea and early practice, so that the cause of world-wide missions may be specially brought to the mind and heart of the Church during this season of devotion.—1893, p. 208.

f. Overture from the Presbytery of St. Paul, concerning (1) a change of time in the date of the week of prayer. Recommended, That inasmuch as the Assembly of 1891, after a full discussion, decided adversely, that no action at present be taken. (2) A stricter adherence to its

world-wide subject of missions. Recommended, That they be referred to the answer of this Assembly to overture of Presbytery of Carlisle.—1893, p. 209.

10. Day of prayer for colleges, theological seminaries and other institutions of learning.

The Standing Committee on Education, to which were referred overtures concerning the change in the time of the Day of Prayer for Schools and Colleges, report, recommending:

That since our sister Churches have not made a change in the date of the Day of Prayer for Schools and Colleges, and we are therefore out of line with them and evangelical Churches, and are breaking the concert of prayer; therefore, we return to the date of the day observed previous to the action of the Assembly of 1895, viz., the last Thursday of January, and that this be appointed as our Day of Prayer for Schools and Colleges. In this report the Committee on Aid for Colleges and Academies concurs. Adopted.—1896, p. 46.

11. Monthly concert of prayer for missions.

a. Overture from the Presbytery of Philadelphia, asking the Assembly to name a day in each month for united prayer throughout our churches for the conversion of the world; and, furthermore, that it be recommended that, on the first Sabbath of each month, one of the services, in whole or in part, be devoted to the consideration of this subject.

The Committee recommended the following action:

The attention of pastors and church Sessions is called to the great importance of maintaining regular services, with specific reference to the spread of the Gospel throughout the world. This General Assembly would express their earnest desire that the "Monthly Concert of Prayer for Missions" be more generally observed by their churches, and they recommend that, in every congregation, the first devotional meeting of each month be given up to the consideration of the work of the Lord throughout the world, and to prayer for the world's conversion. Adopted.—1879, p. 585; 1880, p. 51.

b. *Resolved*, That this Assembly enjoins upon all our churches the continued and devout observance of the time-honored Monthly Concert of Prayer for Missions; and earnestly urges upon the members of our Church to seek, by the careful study both of God's Word and the present condition of the heathen world, to know more of God's will and our duty in this matter; and to pray earnestly that God would send forth laborers into His harvest; and that the Holy Spirit may be poured out on all nations; and that we and all God's people may be disposed and enabled freely to consecrate to the service of the Master, ourselves, our sons and daughters, and our worldly possessions. Adopted.—1891, p. 182.

12. Children's Day. Special services to be held.

The General Assembly hereby designates the second Sabbath of June as the Children's day, on which special services for the children shall be held, and the vital topics of the Christian nurture and the conversion of the young shall be pressed upon the thought of the entire congregation. —1883, p. 616.

[NOTE.—See *Minutes* of each year and in this *Digest*, p. 370, and Directory for Worship, Chap. vi, No. 13.]

V. Public notice is to be given a convenient time before the day of fasting or thanksgiving comes, that persons may so order their temporal affairs, that they may properly attend to the duties thereof.

VI. There shall be public worship upon all such days; and let the prayers, psalms, portions of Scripture to be read, and sermons, be all in a special manner adapted to the occasion.

VII. On fast days, let the minister point out the authority and providences calling to the observation thereof; and let him spend a more than usual portion of time in solemn prayer, particular confession of sin, especially of the sins of the day and place, with their aggravations, which have brought down the judgments of heaven. And let the whole day be spent in deep humiliation and mourning before God.

VIII. On days of thanksgiving, he is to give the like information respecting the authority and providences which call to the observance of them; and to spend a more than usual part of the time in the giving of thanks, agreeably to the occasion, and in singing psalms or hymns of praise.

It is the duty of people on these days to rejoice with holy gladness of heart; but let trembling be so joined with our mirth, that no excess or unbecoming levity be indulged.

CHAPTER XVI.

THE DIRECTORY FOR SECRET AND FAMILY WORSHIP.

I. Besides the public worship in congregations, it is the indispensable duty of each person, alone, in secret; and of every family, by itself, in private, to pray to, and worship God.

II. Secret worship is most plainly enjoined by our Lord. In this duty every one, apart by himself, is to spend some time in prayer, reading the Scriptures, holy meditation, and serious self-examination. The many advantages arising from a conscientious discharge of these duties, are best known to those who are found in the faithful discharge of them.

III. Family worship, which ought to be performed by every family, ordinarily morning and evening, consists in prayer, reading the Scriptures, and singing praises.

IV. The head of the family, who is to lead in this service, ought to be careful that all the members of his household duly attend; and that none withdraw themselves unnecessarily from any part of family worship; and that all refrain from their common business while the Scriptures are read, and gravely attend to the same, no less than when prayer or praise is offered up.

V. Let the heads of families be careful to instruct their children and servants in the principles of religion. Every proper opportunity ought to be embraced for such instruction. But we are of opinion, that the Sabbath evenings, after public worship, should be sacredly preserved for this purpose. Therefore we highly disapprove of paying unnecessary private visits on the Lord's day; admitting strangers into the families, except when necessity or charity requires it; or any other practices, whatever plausible pretences may be offered in their favor, if they interfere with the above important and necessary duty.

1. Duty of ministers to urge family religion.

a. [As means] "to revive the declining power of godliness, the Synod do earnestly recommend it to all our ministers and members to take particular care about ministerial visiting of families, and press family and secret worship, according to the Westminster Directory; and that they also recommend it to every Presbytery, at proper seasons to inquire concerning the diligence of each of their members in such particulars." Unanimously adopted.—1733, p. 105.

b. The Synod do not only renew the order, but earnestly obtest every of our brethren of the ministry, conscientiously and diligently to pursue the good design thereof.—1734, p. 107.

c. Let heads of families be careful to instruct their children and those committed to their care in the great principles of our holy religion. Let their morning and evening sacrifices be daily offered up in their families to God.—1799, p. 178.

d. Parents, train your children in the "nurture and admonition of the Lord; your houses should be temples of the living God, in which should ascend to His mercy-seat the continual incense of your daily sacrifices. Pious parents can most effectually preach to the hearts of their children by their affectionate precepts, and their holy example. Your instructions will best prepare them to receive benefit from the public ordinances of religion. And oh! can you see these dearest portions of yourselves ready to perish, without earnestly reaching forth a hand to pluck them as brands from the burnings?"—1804, p. 316.

e. We have observed with pain, that in some Presbyteries the duties of family religion, and of catechetical instruction, are neglected. Truly it is shameful in men, who call themselves by the name of Christ, not to honor Him before their families, by worshiping Him statedly. Every head of a family is responsible for all its members to God and his country. How can he expect to fulfill his duty if he does not pray for and with them, and instruct them from the Word of God? If he does not honor God, it cannot be expected his family will. And a Christian family living without family religion is a contradiction. It argues, on the part of such professors, an awful declension and a criminal dereliction of duty.—1808, p. 402, and *Minutes, passim.*

2. The evening of the Lord's day especially set apart for family training. The Standards need no change to fit them to the present times.

The Committee on the Polity of the Church have had under consideration the following overture from the Presbytery of Genesee:

Overture of the Presbytery of Genesee to the General Assembly meeting at Philadelphia, May 21, 1863:

We petition for a revision of the Directory for Worship, with a view to the following points:

1. To reclaim the Sabbath afternoon, or evening, expressly for family instruction, and to enforce the duty of parents.

2. To give a constitutional recognition to the Sabbath-school, as a cherished instrumentality of the Church for the nurture of her own youth, and the evangelization of others; and to provide that the time appropriated be ample, as esteeming this to be a cardinal means of grace.

3. To restrict its assemblies, in all ordinary cases, to one part of the day, so as to avoid trenching upon the time appropriated to the paramount duties of parents.

4. To secure to the pastor, unequivocally, as the divinely appointed teacher of the lambs of the flock, the prerogative, and hold him to the responsibility, of presidency over the school, with provision for a vice-president or superintendent, to serve in the absence of the pastor.

5. To recognize the church Session as invested with authority, and responsible for the details of the organization, the appointment and removal of teachers, and the whole government of the school.

6. To provide for such a system of distinctive instruction as will secure to our youth a thorough training, not only in the doctrines of grace, but in the principles of order which the Scriptures set forth, and keep continually before their minds the burden of baptismal obligations, and the value of covenant privileges, as sealed to the children of God's people.

The Committee recommend, that the Assembly reply to the above overture as follows:

The matters, in view of which the Presbytery of Genesee ask a revision of the Directory for Worship, are mainly such that, according to our Constitution, it is already competent to every church to regulate them for itself, agreeably to its own views of what will best promote its growth and spiritual welfare.

The Directory for Worship expresses the opinion of the Church, that the evenings of the Lord's day, after public worship, should be sacredly reserved for the religious instruction of children by their parents (see Chap. xvi, Sec. v).

The Sunday-school, like all the religious institutions and agencies of each individual church, is, and ought to be, under the watch and care of the Session; and should be regarded, not as superseding, but as coöperating with, the entire system of pastoral instruction, the responsibilities of which it should not in any manner diminish.

There is nothing in our Constitution which prescribes the number of public services to be held on the Lord's day, or which restrains any church from appropriating to the Sunday-school such a portion of the day as may seem to them desirable.

The peculiar position of baptized children as members of the church, to be, as members, trained in all Christian virtues and duties, is so expressly set forth in our Standards, that no revision of them could present it with greater clearness, or in a more authoritative form (see Confession, Chap. xxv, Sec. ii; Larger Catechism, Ques. 166; Form of Government, Chap. ii, Secs. ii, iv; Book of Discipline, Chap. i, Sec. vi; Directory for Worship, Chap. x, Secs. i–iii).

The Assembly, therefore, judge that no necessity demands the revision

which is asked for, and simply recommend to the churches to conform their ideas and usages to our own Standards.—1863, pp. 240, 241. N. S.

ADDITIONS TO ACTS, DECISIONS, AND DELIVERANCES.

1. Qualifications of voters for pastors, elders, and other officers.

The report of the Special Committee on the Qualifications of Voters in the Election of Pastors, Elders and other Officers of Presbyterian Churches was adopted, as follows:

The Committee on the Election of Pastors, Elders and other Officers of Presbyterian Churches appointed by the General Assembly of 1896, respectfully report as follows:

The Committee was constituted by the subjoined action of the Assembly, viz.:

Resolved, That all Overtures relating to the election of pastors, elders and officers of Presbyterian churches be referred to a Committee consisting of the Moderator, with the Stated and Permanent Clerks, to report to the next Assembly (*Minutes*, 1896, p. 129).

Upon this subject the Committee draws attention, first, to the language of the Constitution, which reads, "in this election no person shall be entitled to vote who refuses to submit to the censures of the church, or who does not contribute his just proportion, according to his own engagement, or the rules of that congregation, to all its necessary expenses" (Form of Government, Chap. xvi, Sec. iv).

This Constitutional Rule contains the following provisions affecting elections for pastors:

1. The right of each congregation to make rules for the conduct of certain of its affairs, among these being rules as to the methods and extent of contributions by its members for necessary expenses.

2. The qualifications of voters, indicated by the declaration that two classes of persons shall not be entitled to vote: (*a*) those who refuse to submit to the censures of the church, and (*b*) those who do not contribute their just proportion to necessary expenses.

This much being clear, the issue next arises as to the meaning of the word congregation in the Constitution. This term, in relation to pastoral elections, has been decided by the General Assembly to include all persons associated together in a given organization for the worship of God, whether communicants in good standing or regular contributors to church expenses. The deliverances of the Assembly read: (*a*) "It is the judgment of the General Assembly that all members of the church in full communion have the right to vote in the election of pastor in the congregation with which they are connected" (*Minutes*, G. A., 1879, p. 630). (*b*) "Members of a congregation, not communicants, who regularly contribute their due proportion of the necessary expenses of the church and congregation, have a right to vote in the election of a pastor" (*Minutes*, G. A., 1886, p. 48). These decisions are based not only on Form of Government, Chap. xvi, Sec. iv, but also on the

phraseology of other parts of the Constitution. The word congregation, as used in Chap. xiii, Sec. ii, Form of Government (the chapter dealing with the election of ruling elders and deacons), is, it is true, expressly limited to the members of the church, by the form of the question addressed to the congregation at the installation of elders and deacons, the opening words of which are, "Do you, the members of this church, acknowledge and receive this brother as a ruling elder?" (Form of Government, Chap. xiii, Sec. iv). The form of this question determines the meaning of the word congregation in the elections of ruling elders and deacons. When we come, however, to the questions at the installation of a pastor, we find that the words used are the following, "Do you, the people of this congregation, continue to profess your readiness to receive Rev. ——, whom you have called to be your minister?" (Form of Government, Chap. xv, Sec. xiii). Further, throughout the section, the expression "members of the church" found in Chap. xiii is nowhere used, but instead the word "people" is constantly employed. This use of the term "people" can only mean that the congregation is taken as including both church members and contributors.

This difference in the meaning of the word congregation, as between Chap. xiii and xv of the Form of Government, is emphasized by the usage of the Church, having since 1788 the force of law, by which the pastor of a congregation was and is recognized as the pastor of all persons connected therewith, either as communicants or as contributors. In connection with the installation of pastors, it is declared that "it is highly becoming that after the solemnity of the installation, at least the elders and those appointed to take care of the temporal affairs of that church, should come forward to their pastor and give him their right hand in token of cordial reception and affectionate regard" (Form of Government, Chap. xvi, Sec. vii). The persons ordinarily appointed in our churches to the care of the temporal concerns are the trustees, some of whom are not communicants, but whatever their relation to the church, the minister of the congregation which they serve is recognized in the Constitution as their pastor. Further, the fact is important as bearing upon this subject that State legislation and the decisions of the civil courts, as they affect our Church, have been in harmony with the right of contributors as well as communicant members to vote in elections for pastors. Even a change in our Constitution, limiting voting for pastors to communicants, would not in some States avail to prevent pew-holders from having a voice in pastoral elections.

The Committee, therefore, in view of the considerations named, recommend the General Assembly to pass the following resolutions, viz.:

1. That it is the right of each one of our congregations, under the Constitution of the Church, to determine by rule the qualifications of non-communicants who are contributors to church expenses, as voters in the election of pastors.

2. That all communicant members in good standing, of whatever age or sex, and, in addition, all non-communicants of full age who contribute regularly to church support, in accordance with the rules of the congregations, are qualified voters at meetings for the election of pastors.

While no overture was referred to the Committee as to the election of other church officers than pastors, yet the terms of appointment warrant the members in reporting as to voters for elders, deacons and trustees.

With reference to the election of elders and deacons, in view of the statements already made respecting the phraseology of Chap. xiii, Form of Government, it is recommended that the following resolution be adopted:

Resolved, That only communicants in good standing are qualified voters at the election of ruling elders and deacons.

With reference to the qualifications of voters at congregational meetings for the election of trustees, the Committee would respectfully report that this matter is in the control of the civil power, and that the qualifications of voters as fixed by law vary in matters of detail in the several States and Territories. Ordinarily it is true that communicant members of the church and pew-holders who are of full age are qualified to vote for trustees. While, however, the General Assembly cannot interfere with the legislation adopted by the States in this matter, it is recommended, in view of the fact that in many States denominational law is regarded as controlling, that action be taken by the Assembly. The State regards religious societies and churches as voluntary associations and therefore entitled to make rules for their own internal government even in matters of property, and where congregations are associated as they are in the Presbyterian Church, regards the denomination as the unit. It is therefore recommended that this Assembly adopt the following resolution:

Resolved, That the voters in the congregations under the care of this General Assembly, at elections for trustees or other persons to manage the temporal affairs, shall be the communicant members in good standing, and, in addition, such other persons as contribute by regular payments at stated periods to the support and necessary expenses of the congregation in accordance with its rules; *Provided*, That nothing in this regulation shall be valid which contravenes the provisions of the laws of any of the States, of the United States, or of special church charters.

The Committee also recommends the adoption of the following resolutions as essential to complete the rules for the proper management of elections of church officers:

Resolved, That neither the presiding officers of church or congregational meetings, nor the Sessions of churches, possess the power to deprive communicant members in good standing of their right to vote at meetings of the church or of the congregation, except by due process of law in accordance with the provisions of the Book of Discipline.

Resolved, That the rolls of communicant members in good standing in the possession of the clerks of Sessions and the lists of regular contributors in the possession of the secretary or treasurer of the Board of Trustees, shall be the authoritative lists of voters at church and congregational meetings.—1897, pp. 136–139.

2. Close of the ecclesiastical year.

It is recommended that this declaration be made: The ecclesiastical year closes on the 31st day of March. Statistical reports for the sake of uniformity should be prepared upon that basis. Adopted.—1897, p. 38.

3. Annual Narrative of the State of Religion.

[NOTE.—The Annual Narrative as printed on p. 175 of this *Digest*, was altered in some minor particulars by the General Assembly of 1897, p. 121, and can be had in its latest form on application to the Stated Clerk of the Assembly.]

4. Reorganization of the Board of Home Missions.

Resolved, 1. That the Board of Home Missions be directed to so reorganize its methods of administration that the executive work shall be placed in charge of one secretary, with whatever assistants may be necessary, and that he be accountable to the Board for its faithful and efficient management.

Resolved, 2. That the Board be directed to make, at the beginning of each fiscal year, an estimate of the probable income for the ensuing year, by taking the average amount received from legacies, church offerings and all other sources, for a period of preceding years; and that the sum thus obtained shall be considered the available amount for the work of the Board during the ensuing year.

Resolved, 3. That the policy of the Board shall be to avoid debt. Where debt has been unavoidably incurred, then allowance shall be made for the payment of the debt, as far as possible, during the ensuing year, out of the estimated receipts.—1897, p. 56.

5. Action as to legacies, etc., Board of Relief.

Resolved, 1. That this General Assembly approves of the change the Board has made in By-Law, Art. iv, Sec. 5, and authorizes the Board to transfer to the Current Fund, unrestricted legacies, with which to pay its indebtedness and to meet special emergencies.

Resolved, 2. That the Assembly approve the codified rules of the Board as found in the annual report on pp. 10, 11, 12 and 13.

Resolved, 3. That our Presbyteries direct every church Session to appoint a Committee to take the subject of Ministerial Relief under its special charge, and to place upon this Committee representatives from all the organizations of the church, especially enlisting the coöperation of the women, and to see to it that the leaflets furnished by the Board are distributed in the church prior to the time of taking a collection for this cause, and that Sessions be instructed that their reasons will not be sustained by Presbytery, for not giving the people under their care a fair opportunity to contribute to this Board, unless their reasons are special and providential.—1897, p. 24.

6. Act relating to the reception and probation of ministers from other Churches.

When application is made by a minister of another Church for admission to Presbytery, Presbytery shall inquire concerning his character, his educational and professional training, the fact of his ordination, his ministerial standing in the body to which he belongs, and the motives which lead him to apply for admission to Presbytery. If this inquiry shall prove satisfactory, Presbytery may place his name on its roll. All applicants from other bodies shall be required, previous to their enrollment, to give their assent, in a public session of Presbytery, to the first seven questions prescribed in the Form of Government for ordination; but should the applicant not possess the same educational qualifications for ordination as those prescribed in our Standards, he shall not be enrolled as a member of Presbytery until at least six months after his application shall have been presented to Presbytery. He may be permitted to labor, in the interval, within the bounds of Presbytery.—1891, p. 177.

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